DNA, the Death Penalty's Best Friend GREGG EASTERBROOK

THE NEW REPUBLIC

Bush and Gore's Convention Nightmares
MICHELLE COTTLE

The Networks' Deep Sleep
THE EDITORS

JULY 31, 2000

GHOST IN THE MACHINE

His father made Chicago run like clockwork.

Can Bill Daley do the same for Al Gore?

NICHOLAS LEMANN
JOHN B. JUDIS

PLUS: DAHLIA LITHWICK
Mario Cuomo, Cynic

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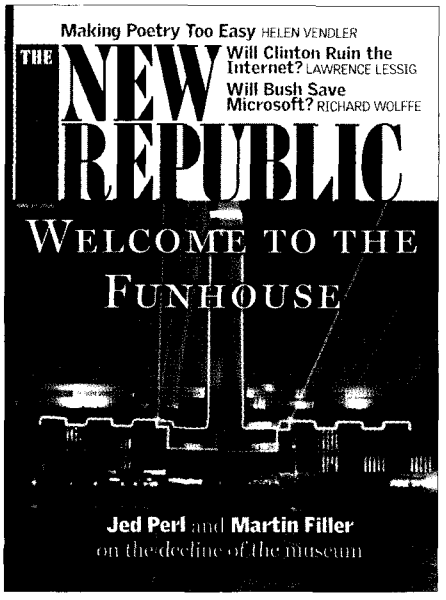
Trust fund

TO THE EDITORS:

I write to protest Jonathan Cohn's article trashing my friend Marty Feldstein ("Dr. Feelgood," June 19). I am not an economist, but I can tell a hatchet job when I smell one. First, there are damning judgments accusing Feldstein of bad faith and even dishonesty, attributed to the most reputable sources, who are, however, unnamed: "Fellow economists say that Feldstein, for all his brilliance, has been politically expedient to the point of dishonesty in his promotion of privatization." "'He is extremely bright, absolutely first-rate,' says one widely respected economist, voicing a common sentiment. 'And I don't trust him at all.'" Who are these people? Why don't they show their faces? We must trust Cohn both that they said these things and that they are "widely respected." But why should I trust Cohn more than I trust, say, Feldstein?

Second, there is the piling on of sinister-sounding but irrelevant details. We are told how unusual it is for *The New York Times* to publish so many op-ed pieces by the same author, when economists at such ideologically tainted Washington think tanks such as the Cato Institute and the Heritage Foundation could only dream of such access. Finally, there is guilt by association: Feldstein is lending "respectability" to a nostrum that it is the "job" of these think tanks (which "Wall Street investment firms ... help subsidize") to push.

In the end, the validity of Feldstein's proposal depends on data and calculations that have not been laid out for us in the article and that in all fairness probably cannot be laid out within the limited compass of a TNR article. But there is internal evidence that helps us see that what is going on is ideology, not just Feldstein's but also Cohn's. For opposed to the partial "privatization" of Social Security are those who see—perhaps quite validly—Social Security as a cherished symbol of a community-provided safety net, one of the few boats that, in this age of rampant individualism, we are all in together. In this the debate resembles the debate about public schools and school vouchers (which Texas Governor George W. Bush also favors). That there is ideology on both sides seeps out when Cohn tells us approvingly that "the Brookings Institution's [not one of those ideological Washington think tanks?] Henry Aron and the Massachusetts Institute of Technology's [not Harvard's] Peter Diamond" have argued that if government were to invest some of the Social Security trust fund in stocks, this


Making Poetry Too Easy HELEN VENDLER
THE NEW REPUBLIC
Will Clinton Ruin the Internet? LAWRENCE LESSIG
Will Bush Save Microsoft? RICHARD WOLFFE
WELCOME TO THE FUNHOUSE
Jed Perl and Martin Filler
on the decline of the museum

might indeed help stave off the coming debacle. The difference, it seems, is that, according to these authorities, the transaction fees charged by the government for this service would be lower than those charged by the government-approved private mutual funds that Feldstein would prefer. Feldstein "wants nothing to do with such an idea ... [b]ecause, he says, if government owned stocks through the trust fund, it couldn't resist meddling in corporate affairs. But how does he know?" Of course neither he nor anyone else can "know" such a thing. It's a political (ideological?) judgment. But in these days of shareholder activism and "socially responsible investing," not to mention state- and local-government-mandated boycotts of politically incorrect firms, it seems like a pretty plausible judgment.

CHARLES FRIED
Beneficial Professor of Law
Harvard Law School
Cambridge, Massachusetts

FAIR game

TO THE EDITORS:

In his piece on H-1B visas for foreign high-tech workers ("Temporary Help," June 19), John B. Judis says the arguments in my paper "Debunking the Myth of a Desperate Software Labor Shortage" are "not convincing," yet it is clear that he did not actually read the paper. For example, Judis flatly states that the software labor shortage is real; for "proof," he cites an industry lobbying group. My paper states that the General Accounting Office has sharply criticized that group's research methods and that the Department of Commerce found there is insufficient data to determine whether such a shortage exists.

In addition, Judis says that U.S. university engineering enrollments are declining, thus producing a need for H-1Bs. But had Judis actually read the paper he cites, he would have learned that INS data show that the vast majority of high-tech H-1Bs are computer-science graduates, not engineers, and that U.S. computer-science enrollments have skyrocketed since 1995.

DR. NORMAN S. MATLOFF
Professor of Computer Science
University of California at Davis

TO THE EDITORS:

I am compelled to respond to John B. Judis's outrageous mischaracterization of the Federation for American Immigration Reform's ad campaign against the foreign-worker increase sponsored by Michigan Senator Spencer Abraham. Judis has joined the list of media commentators who have been duped by the Abraham campaign into believing that FAIR's ads, which have been run intermittently in Michigan since mid-March, ever mentioned Abraham's, or anyone else's, ethnicity.

In an attempt to muddy the waters and avoid discussing his proposed massive foreign-worker (H-1B) increase, Abraham's henchmen have continually referred to a single print advertisement that ran in April 1999 and had nothing to do with the H-1B issue. Rather, it addressed Abraham's attempts to stall the implementation of an important program to combat terrorism in the United States. The ad pictured Osama bin Laden, a known terrorist, and asked why Abraham was blocking the bill's full implementation.

Like the Department of Labor, FAIR questions the need to increase foreign workers at a time when plenty of Americans, both newly graduated and recently laid off, are asking for a chance to obtain these promising high-tech jobs. To allow an important debate on America's best jobs to be enveloped in disinformation perpetuated by a mean-spirited campaign of name-calling and race-baiting is both unconscionable and tiresome.

DAN STEIN
Executive Director
Federation for American Immigration Reform
Washington, D.C.

JOHN B. JUDIS REPLIES:

In my article, I never flatly stated that there was a software labor shortage, and I acknowledged that the estimates of the Information Technology Association "may be exaggerated," but I believe that the truth lies somewhere in between ITA's estimates and Matloff's. The most recent

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Computing Research Association survey shows Ph.D. enrollment in computer science and engineering "leveling off," not increasing, and the total number of undergraduate computer-science majors "down slightly." In any case, the sheer number of computing B.A.s, M.A.s, and Ph.D.s—about 20,000 per year in the CRA survey—pales before the kind of labor demands that the high-tech economy is generating. According to the most recent Commerce Department report, 1.3 million new skilled technology workers will be needed by 2006. That's not necessarily an argument for H-1Bs, but it is an argument that there is a looming shortage that must be met with some combination of worker retraining, new university funding, and immigration.

As for FAIR, its claim that its opposition to immigration has nothing to do with race is laughable. FAIR was founded in Michigan by Dr. John Tanton, who worried about a Hispanic "population explosion" and "whites [seeing] their power and control over their lives declining." The organization has received more than $1 million from the Pioneer Fund, which promotes racial purity and eugenics. It has targeted Senator Spencer Abraham as an advocate of increased immigration, this year focusing on his support for increasing H-1Bs. Last year, the group ran a full-page ad attacking Abraham for wanting to remove a provision in the 1996 Immigration Act that would have imposed onerous border checks on visitors from Mexico and Canada. But, instead of addressing the actual motive of Abraham and the measure's supporters, which was to remove a potential impediment to tourism and commerce, FAIR produced an ad headlined "Why Is a U.S. Senator Trying to Make It Easy for Osama bin Laden to Export Terrorism to the U.S.?" Beneath the headline, FAIR boldly displayed Abraham's photograph next to bin Laden's. In the text, the ad also linked Abraham's advocacy to the fate of two other Arab terrorists. The despicable implication was clear: Abraham, an Arab-American, wanted to repeal the provision in order to protect his terrorist kinfolk. The ad campaign has been rightfully denounced by Michigan newspapers and by Abraham's opponent in the Senate race, Representative Debbie Stabenow.

Not as it seams

TO THE EDITORS:

William Saletan's response to the Catholic opposition to both abortion and the death penalty, an opposition grounded in respect for life, misses an important point ("Life Time," June 19). Saletan argues that the state is too clumsy to handle either of these issues. However, the natural inference from that premise—along with the obvious point that killing is, to say the least, morally problematic—is that killing should be prohibited in both contexts unless we are unusually certain it is called for. Instead, Saletan argues that we should allow abortion while taking the death penalty off the "assembly line."

The basis for the distinction Saletan wants to make is a point he passes over too quickly: that there are at least a number of circumstances in which abortion "might be justified." Official Catholic doctrine denies this claim because the church sees abortion as the taking of innocent life. The problem with the Catholic position is not that it fails to recognize that the state is too clumsy to be able to decide when to allow abortions; it is that it relies on the notion of respect for life in an oversimplified way and fails to recognize the circumstances under which an abortion could be morally justified. Consider the right of self-defense, a right even the most pro-life Catholics respect. The value of life does not prohibit one from taking the life of another to defend one's own life. And self-defense is not limited to saving one's own life. The law and commonsense morality agree that one can kill to save oneself or another from serious bodily harm, including rape. By analogy, one can see that it is not a stretch to justify at least some abortions. Of course, the fetus is innocent, and most physical attackers are culpable. But most people think the right of self-defense extends even to cases involving innocent attackers (i.e., the temporarily insane, the small child with a gun).

This is a complicated issue, and the analogy between abortion and self-defense is by no means perfect. The point is, however, that there is no "seamless garment" that will cover all cases on the basis of a principled respect for life. The primary problem with the Catholic position is not that it neglects the clumsiness of government but that it glosses over the real complexity of the moral issues.

ALEC WALEN
Assistant Professor of Law and Ethics
University of Baltimore
Baltimore, Maryland

State of mind

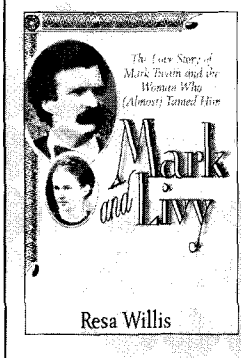
TO THE EDITORS:

Bruce Gottlieb is way off base in his description of the California State University—the largest and best higher-education teaching institution in the world—as

continued on page 41

BRUSH UP ON YOUR HISTORY

MARK AND LIVY
The Love Story of Mark Twain and the Woman Who (Almost) Tamed Him
RESA WILLIS



"Anyone with even the slightest interest in Twain should grab Mark and Livy *for a fresh look at how the work and life we attribute to Twain came to be."*
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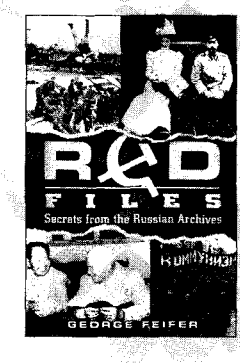
RIDING THE RAILS
Teenagers on the Move During the Great Depression
ERROL LINCOLN UYS

"The reader can all but hear the cadence of the trains on the tracks and the lonesome wail at every whistle-stop."
— The Boston Globe

RED FILES
Secrets from the Russian Archives
GEORGE FEIFER



"Feifer's fresh assessment of the former Soviet Union and the Cold War turns up some original and provocative material."
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TRB

FROM WASHINGTON

Go Figure

THE GOOD NEWS is that you might be in for a tax cut. The bad news is that you'll only get it if you behave properly. And what is the required behavior? Never fear. Congress and the White House, with the help of the Internal Revenue Service's rule writers, will be glad to detail it for you. It won't take more than a few thousand pages.

Over the past few weeks, Congress has been hard at work marking up tax bills intended to reward key groups of voters, such as married couples and heirs to substantial estates. And, while some of these bills are likely (even designed) to be vetoed, others will ultimately make it into law—if not under this administration then under the next. With projected budget surpluses mounting with every recount, it's a near certainty that Congress will sooner or later return a big chunk of that extra revenue to taxpayers.

There is, of course, some chance that the tax cut we ultimately see will be straightforward: a decrease in income tax rates plus the elimination of some of the anomalies that make the tax code so complex and so often unfair. Some chance—but not much.

The tax code, you see, has become the lawmakers' code of good conduct. Way back during the reigns of FDR, Kennedy, Johnson, and, yes, even Nixon, if the government wanted to support some worthy purpose, it funded a program—along with some (often inadequate) mechanism for administering it and judging its success. But that was before "spending" became a curse and "tax cuts" a blessing. Spending has been deemed woefully inefficient, resulting in large, unresponsive government bureaucracies that consume much of their money in overhead and redundant activity. Tax cuts, by comparison, are simplicity itself—the money stays right in your pocket, and you can spend it as you please, with maximum flexibility and efficiency. So these days if politicians want, for instance, to increase the supply of affordable, quality child care, they don't fund and license day care centers. Instead, they give parents a tax credit so that they can make arrangements on their own. True, in a momentary lapse in 1986, Congress dumped a lot of older tax preferences, making the code both simpler and fairer. But that, as it turned out, just cleared the way for a glut of new gimmicks—embedded in some 78 subsequent tax laws—all engineered to reward the right kind of behavior.

Here is a sample of things the current tax code encourages you to do: Get married (if your spouse doesn't hold a job); have kids (or adopt some); educate said kids (or send them to day care); get old; save money (take your choice here of seven different types of IRA accounts, including "Traditional IRA," "Spousal IRA," "SEP IRA," and the euphemistic "Simple IRA"); enjoy capital gains; suffer passive losses; and inherit a family business or farm.

If Al Gore becomes president, look for new or bigger breaks for caring for kids or disabled relatives, running a small business, pursuing "lifelong learning," and saving for retirement. If George W. Bush takes over, he'll push an across-the-board rate cut, as well as special breaks for farmers, ranchers, adopted and foster kids, donors to churches and charities, and families setting aside money for private kindergarten and grade school.

Which would all be well and good—these are, after all, mostly worthy purposes—if tax breaks really were as simple and efficient as today's politicians would have you believe. But they're not. Take their alleged simplicity. Democrats, in particular, try to ensure that any new tax subsidy is "means-tested"—that is, targeted to low- and middle-bracket taxpayers (or paid directly to those owing no taxes). But that means creating for each new tax benefit what the Urban Institute's Eugene Steuerle dubs a "mini-tax system," with its own rules for determining eligibility and measuring income. When, for example, does a child count as a child for tax purposes? That depends on whether you want to claim a dependent-care credit, a Hope credit, or any of a host of other credits on his or her behalf. Will getting married cut or increase your tax bill? Better check out the 60-plus provisions of the tax code that depend on marital status.

Things don't get any better higher up the income spectrum. The fact that so many tax breaks are phased out as income increases produces a wildly erratic tax-rate schedule. If your family earnings total around $100,000 and you get a modest pay raise, for example, you could end up forking over more of your gain to the feds than if you were earning $1 million. That's because you may face cutbacks in the amount you can now deduct for Hope, child, or adoption credits, for example. With somewhat more income, you'll start losing your itemized deductions and personal exemptions, too. At higher levels of income, however, the phaseouts have all been completed, so Bill Gates can probably keep more of his next dollar than you can. "People have no idea what their marginal rate is," says Stephen Corrick, a tax partner at Arthur Andersen.

And if tax breaks aren't very simple, neither are they very efficient. It has been well-documented that tax preferences mostly subsidize activities—such as saving money, hiring workers, or having kids—that would have occurred anyway. And much of the money doesn't go toward the intended purpose at all. Shocking as it may seem, people cheat. They take advantage of even the most high-minded tax breaks—exaggerating, for example, their contributions to the collection plate each Sunday—if they think they can get away with it. And the more complicated the tax laws, the more people can get away with. Back in 1990, Congress was horrified to discover that some 40 percent of the Earned Income Tax Credit, a refundable payment to low-earning breadwinners, was going to families not entitled to it. (This did not, however, deter Congress from subsequently expanding and further complicating the EITC.) In response, the IRS was forced to step up EITC audits—enforcement being yet another casualty of a complicated tax code. As Representative Amo Houghton, chair of the Ways and Means Oversight Committee, noted at a recent hearing, "A provision we pass may make good sense in terms of fairness and equity but may be absolutely unworkable in the real world."

All this well-meaning complexity doesn't just breed tax evasion; it breeds cynicism. Taxpayers know the system is irrational, and they suspect, often correctly, that they're getting screwed. This is a prime factor—Democrats, take note—in the public's support for replacing the income tax with a far less progressive but presumably simpler "flat" tax.

Congress, of course, is not insensitive to these problems. Only two years ago it added a provision to the tax code requiring the IRS to prepare an annual report pinpointing "sources of complexity in the administration of the Federal tax laws." (Simply handing out mirrors to each of the 535 members was not considered.) Then, having duly noted its concern, Congress returned to the more congenial business of conjuring up new sources of complexity for the IRS to document.

JODIE ALLEN

JODIE ALLEN is a senior writer at *U.S. News & World Report* covering political economy.

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AMERICA'S FORGOTTEN MAJORITY

Why the White Working Class Still Matters

RUY TEIXEIRA AND JOEL ROGERS

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Dead Air

THE 1934 COMMUNICATIONS Act established broadcasters as, in part, a public trust: in exchange for licenses to use specific frequencies on the electromagnetic spectrum, broadcasters promised to serve the "public interest, convenience, and necessity." And, hard as it may be to believe today, they once did.

For decades, the networks implicitly divided their operations between entertainment—designed to turn a profit—and news, which they saw as fulfilling their civic obligation. Serious news coverage may not have brought in much money, but it brought the networks something else: respect.

If anyone needed further confirmation that the networks have turned their backs on their traditional role as guardians of middlebrow public spiritedness, they have only to look at the coverage of the upcoming political conventions. Until 1968, the networks broadcast the conventions gavel to gavel, the Nielsens be damned. This year, ABC will devote a scant 300 minutes to each of the approximately 5,000-minute-long affairs. And it wouldn't have broadcast the conventions' opening nights live at all had the NFL not bailed the network out and moved its preseason game between the San Francisco 49ers and the New England Patriots. The other two networks will air even less.

Yes, yes, the conventions are scripted, they're fluffy, they don't make news. But for the networks to claim that these are the reasons they aren't covering them is laughable. For one thing, it's not as if ABC, NBC, and CBS pay attention to politics the rest of the time: during the month leading up to this March's primaries, according to the University of Pennsylvania's Annenberg Public Policy Center, network news spent 36 paltry seconds a night on substantive campaign coverage.

And where could the parties possibly have gotten the idea to turn their conventions into sound-bite-filled, tightly scripted festivals of glitz? Yes, the nominees are decided beforehand—too bad for the networks that future presidents are now chosen in open primary elections rather than by boss-controlled delegations bought and sold on the convention floor. But the suggestion that the networks would lavish the conclaves in Philadelphia and Los Angeles with airtime if only they were more like the convention of, say, 1952—with its long-winded speeches and elaborate procedural maneuvering—is absurd. Coverage hasn't evaporated because of changes in the conventions, it has evaporated because of changes in the networks: they used to give a damn about the public good.

The networks claim their declining coverage doesn't matter because true junkies can still watch the conventions on C-SPAN or MSNBC. Which is, of course, exactly the point: political junkies are the very people who have no use for the conventions. They don't need to be reintroduced to Vice President Al Gore or brought up to speed on Texas Governor George W. Bush's Social Security plan. It's the "Monday Night Football" viewers who could stand a quick political education; in all likelihood, many of them have never heard either candidate speak. And unfortunately the networks remain the only medium broad enough to demand their attention.

And since when is hearing the candidates speak—as opposed to watching them try to evade gotchas on "Meet the Press"—so unimportant? The networks say the conventions are just big commercials—forgetting that in most countries TV stations give candidates free airtime for just that, commercials, and the result is higher voter turnout. In fact, conventions, like commercials, often tell you a lot. In the 1980s, the Democrats couldn't hide their oozing paleoliberalism. Pat Buchanan's hateful rant in 1992 dogged the GOP for years. And Bob Dole's 1996 speech helped unmask his hopeless nostalgia.

Were they more honest, the networks would admit that they've made a financial decision to pander to public tastes rather than seeking, even occasionally, to edify them. But they won't admit it, because the fiction that they provide a public good comes in handy—especially when they are lobbying for, say, billions of dollars worth of free spectrum for digital television. But, with each abdication of civic responsibility in favor of higher ratings, that fiction grows more tenuous, and more Americans, particularly younger ones, see the networks as indistinguishable from upstarts like Fox, the WB, and the burgeoning cable niche channels. The networks may think they can win a race to the bottom with these newcomers, but they are probably too bloated and hidebound. In fact, the prestige built up from decades of genuine public service might have been their best hope for financial survival. By frittering it away, they are not only cheating the public, they are hurrying their own obsolescence. ■

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NOTEBOOK

I'M NOT GONNA PAY A LOT FOR THIS MISSILE DEFENSE: There are two sorts of celebrity endorsements: ones in which the spokesperson claims some particularized expertise (George Foreman patting his paunch while selling a grill) and ones in which the spokesperson touts his or her common sense (George Foreman recommending a muffler). When 50 Nobel laureates signed a letter to President Clinton last week urging him to abandon his preliminary efforts to construct a ballistic missile defense, they seemed to be partaking of the first kind. "The system would offer little protection," cautioned the letter. Coming from the nation's leading experts on the physics of missile defense, that's a pretty damning statement. Too bad such experts didn't write the letter. Fourteen of the signatories are biologists or medical researchers, eleven are chemists, and more than a dozen are particle physicists. Indeed, even some of the laureates themselves concede that their opinions on missile defense basically fall into the muffler-selling category. Says Edmond Fischer, winner of the 1992 Nobel Prize for medicine, "I have no expertise in the matter." Paul Boyer, who won the 1997 prize for chemistry, says, "The only thing that has bearing is the rational thinking of the scientific process." Unfortunately, that hasn't stopped *Washington Post* columnist Mary McGrory from thundering, "Republicans roar, 'You don't want to defend your country against missile attacks?' and Democrats cower. The answer from 25 [*sic*] Nobel laureates is not that we don't want to but that we can't." Actually, their answer really is, "We don't want to." When a biochemist insists, "I am not a rocket scientist"—as Fischer did to TNR—it is probably best to take him at his word.

ALARM BELLS: "HIV CASES JUMP IN SAN FRANCISCO," read the front-page headline in *The New York Times*. "NEW HIV INFECTIONS SOAR," warned Reuters. The cause for all the alarm? A reported threefold increase in HIV infections in San Francisco, measured by the number of annual HIV diagnoses made at anonymous-testing sites. Dr. Willi McFarland, an epidemiologist with San Francisco's Department of Public Health, fueled the panic when he told *The San Francisco Chronicle* that "these are sub-Saharan-African levels of transmission." So it was a little strange when the hard numbers behind these stories were released a few days later. According to the San Francisco Department of Public Health, the percentage of people at anonymous-testing sites who tested HIV positive in 1995 was 2.8 percent; in 1996, it was 2.2 percent; in 1997, 2 percent; in 1998, 2 percent; in 1999, 2.4 percent. So where's *The New York Times*' massive "jump" in HIV cases? It turns out that the "threefold increase" was deduced from a sophisticated test—which had not yet been approved by the Food and Drug Administration—that determines if someone was infected recently rather than infected in the distant past. But this increase is subject to a variety of interpretations. Sure, it could indicate an increase in unsafe sex and HIV transmission. But it could merely show that most people who think they might have been infected years ago have already been tested, and the population seeking testing now is more likely to have been infected recently. It could also show that people have absorbed the relatively new information that very early treatment can be the most effective and as a result are going to testing sites sooner after a risky sexual episode. One figure supports these more benign interpretations: the total number of people getting tested at all has slumped from close to 10,000 in 1995 to just over 6,000 last year. But benign interpretations don't help AIDS organizations maintain their funding. Was it a coincidence that the dubious numbers were released two weeks before the Ryan White Care Act was due for renewal in Congress and just before a vote on San Francisco's city budget?

Stabenow Denies Auto Slur

DETROIT, July 19—Visibly distressed but vowing she will not pull out of the race, Democratic Senate candidate Deborah Stabenow held a press conference today to deny a tabloid reporter's claim that she slurred the auto industry. In its most explosive charge, a forthcoming book by Paul Tatter alleges that Stabenow in 1972 referred to her Chevrolet Cavalier as "a [expletive] piece-of-[expletive] Chevy."

According to Tatter, political correspondent for *Car World*, three eyewitnesses heard Stabenow utter the profane outburst after her car broke down on I-96 south of Lansing, making her late for a meeting of the College Democrats. At the press conference, a deeply agitated Stabenow denied that the incident ever took place. "I have never in my life used anti-General-Motors language like that," she insisted. "It's just not in me." She once again recounted her fond relationship with her aunt's second husband, a Pontiac technician who took her to car shows as a child.

The candidate's hastily convened press conference underscores a weakness that may haunt her in November. Autoworkers, normally a solidly Democratic constituency, have been unusually tepid in their support for the Lansing congresswoman. Earlier this year, after a joint news conference with a Japanese official who described American cars as "ugly, bloated gas-guzzlers," Stabenow waited a full 24 hours before condemning the statement. Two years ago, Stabenow hinted that she supports the establishment of a light-rail system in the Flint-Saginaw corridor, then quickly backtracked after the ensuing outcry. Following this most recent

SMELL TEST: Back in 1995, Majority Leader Dick Armey compared term limits to a particularly effective way of ridding the House of, well, filth. "This is a tool *that I think will do for the Congress* exactly what I did with [a] pitchfork for my dad's stable," Armey said at the time, when the Contract with America, which listed term limits as one of its central tenets, still bound the GOP. But Armey and his Republican colleagues have apparently gotten more comfortable with their messy surroundings. With Washington state Representative George Nethercutt under fire from U.S. Term Limits for seeking a fourth term—in 1994 Nethercutt narrowly defeated then-House Speaker Tom Foley on the pledge that, if elected, he would serve only three terms—Nethercutt's GOP House colleagues are coming to his aid. The National Republican

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Congressional Committee is promising financial support for Nethercutt's campaign, and the Republican National Committee is providing the rationale: Nethercutt should return for a fourth term to fight, believe it or not, for a constitutional amendment on term limits. "How do we advance the cause of term limits by retiring those who support it?" asked RNC spokesman Mike Collins. Earlier this month, Armey himself hosted a fund-raiser for Nethercutt. Pass the pitchfork.

IT DEPENDS ON WHAT THE MEANING OF "IS" IS: Of all the mini-scandals of the Clinton years, last week's—in which a former *National Enquirer* reporter charged that Hillary Clinton called an aide a "Jew bastard" in 1974—ranks as one of the most inane. But not nearly as inane as Trent Lott's response to it. Asked about the charge last weekend on Fox News, the Senate Majority Leader congratulated New York Representative Rick Lazio on his popularity with Jewish voters and said, "That's one of the reasons why Hillary is uttering these anti-Semitic comments, if in fact she is." *Is* uttering? Could Lott possibly not realize that Hillary allegedly made the statement more than a quarter-century ago? After all, it's not as if Hillary addressed an openly racist and anti-Semitic group in the 1990s, a group—the Council of Conservative Citizens—that publishes essays that call intermarriage "genocide" and warn that America is turning into a "slimy brown mass of glop." That distinction belongs to a man whose politics truly do show an inability to distinguish between present and past tense, particularly when it comes to race in Mississippi: Trent Lott.

CLARIFICATION: Jonathan Chait's article in the July 10 & 17 issue ("Slick Ralphie") inadvertently portrayed a part of the Green Party as its entirety. In fact, there are two factions of the Green Party, both claiming Ralph Nader as their presidential nominee. Chait's article focused on the Greens/Green Party USA. But Nader's nominating convention was controlled by the Association of State Green Parties, a more moderate faction. We apologize for the error. ■

VINT'S WEEK

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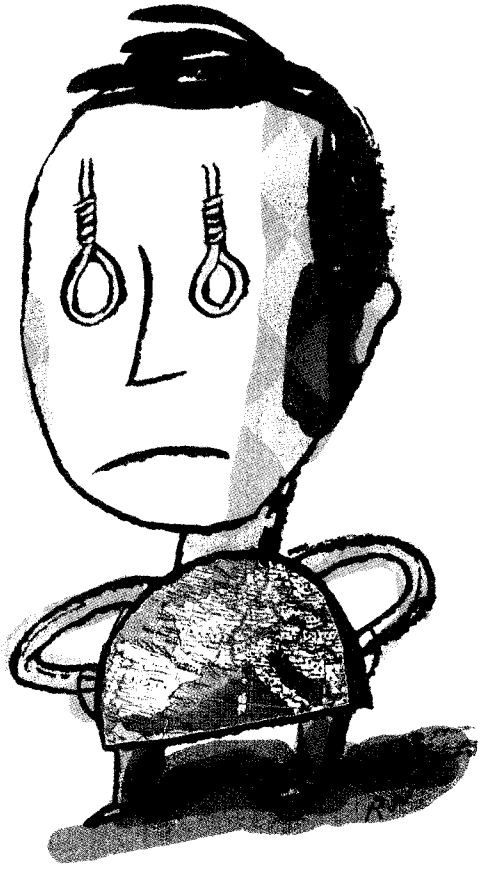
Europe's death-penalty elitism.

Death in Venice

By JOSHUA MICAH MARSHALL

YOU SELDOM HEAR conservatives note, disapprovingly, that "America is the only industrialized country in the world that doesn't have X." It's not hard to figure out why, since X usually involves European (or Canadian or Japanese) big government. But liberals sometimes imagine that America's peculiar lack of, say, nationalized health care, tough gun control, decent child care, widespread mass transport, or substantial arts funding is a sign of political underdevelopment. And so they bemoan America's uniqueness.

Particularly on the death penalty, and particularly now. The old taunt—"The only other industrialized country with the death penalty is South Africa" (recently amended to include "and now even they've abolished it")—has been hurled with particular force in recent weeks. The flood of capital punishment horror stories, combined with partial or full recantations by conservative luminaries George Will and Pat Robertson, has left anti-death-penalty liberals more convinced than ever that, on this issue at least, American political culture is inferior to its counterparts across the Atlantic.



If only it were that simple. It's true that all of America's G-7 partners, save Japan, have abolished capital punishment, but the reason isn't, as death-penalty opponents usually assume, that their populations eschew vengeance. In fact, opinion polls show that Europeans and Canadians crave executions almost as much as their American counterparts do. It's just that their politicians don't listen to them. In other words, if these countries' political cultures are morally superior to America's, it's because they're less democratic.

Seen through American eyes, Canada seems almost comically nonviolent. And it's true that Ottawa administered its last execution in 1962 and formally abolished capital punishment for civilians in the mid-'70s (a ban on military executions came in 1998). But public support for the death penalty runs only slightly lower in Canada than in the United States: polls consistently show that between 60 percent and 70 percent of Canadians want it reinstated.

Differences in the way survey questions are framed complicate direct comparisons with Europe. (European polls sometimes pose the question in terms of the death penalty for terrorism, for genocide, for depraved sexual crimes, and so forth.) But, even if you ask the death-penalty question in the more restricted sense that Americans generally understand it—"Do you support the death penalty for aggravated murder?"—you find very few European countries where the public clearly opposes it, and there are a number where support is very strong. In Britain, the world headquarters of Amnesty International, opinion polls have shown that between two-thirds and three-quarters of the population favors the death penalty—about the same as in the United States. In Italy, which has led the international fight against capital punishment for much of the last decade, roughly half the population wants it reinstated. In France, clear majorities continued to back the death penalty long after it was abolished in 1981; only last year did a poll finally show that less than 50 percent wanted it restored. There is barely a country in Europe where the death penalty was abolished in response to public opinion rather than in spite of it.

How could this be? In a few cases, the reason is constitutional: Germany's and Italy's postwar constitutions abolished capital punishment outright, thus placing the issue effectively beyond public reach. Another factor is the centripetal pressure created by European integration, as cornerstone EU states like France and Germany compel smaller newcomers to adopt "European" norms. Still another factor is the lack of some equivalent to American-style federalism, which in this country allows ardently pro-death-penalty regions like the South to proceed without regard for opinion in other parts of the country.

Differences between European parliamentary government and the American separation-of-powers system also play a role. Parliamentary government may provide voters with more ideological variety, but it is much more resistant to political upstarts, outsiders, and the single-issue politics on which the death penalty thrives. In parliamentary systems, people tend to vote for parties, not individuals; and party committees choose which candidates stand for election. As a result, parties are less influenced by the odd new impulses that now and again bubble up from the electorate. In countries like Britain and France, so long as elite opinion remains sufficiently united (which, in the case of the death penalty, it has), public

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Where We Stand

A commentary on public education and other critical issues

Uproar Over Testing

By SANDRA FELDMAN, President
American Federation of Teachers

Teachers have always given tests, and kids have always complained about them. But the reactions to the new state testing systems go way beyond the usual and have become a backlash. Many of these reactions are well founded. And if we don't pay attention to them, the good that testing has done, as well as the standards movement—which teachers, parents, and the public still strongly support—could be at risk. We can't allow that to happen.

Before standards-based reform, there was great variation in what states, districts, and even individual schools required of students and, therefore, great variation in the quality of education. Some students went to schools where they were held to high standards of achievement; others—usually poor kids—did not.

Reforms Are Working

Real standards reform—the kind that makes sure all kids get a rich curriculum, extra help if they need it to master the work, and tests that reflect the curriculum—is the most direct path to remedying longstanding inequities. And, despite some stumbles in the standards movement, we are already seeing solidly positive results.

For example, reading scores for 9-year-olds in the nation's highest-poverty schools increased by 8 percentage points—almost a full grade level—between 1992 and 1999; and more students are taking, and passing, academic courses and Advanced Placement classes and exams. (And, as we know, successfully completing challenging courses is the best predictor of success in college.)

So why are there signs of backlash against some of the state tests? For example, some students in Massachusetts boycotted the assessments—many with their parents' approval. People in Virginia demanded a relaxation of the Standards of Learning exams. And there have been stories from many districts about kids paralyzed by test anxiety and teachers forced to spend too much class time preparing their students to take the tests. There have even been stories of cheating and tampering with test scores at some schools.

Cheating is always wrong. The backlash, though, points up some real problems. One is that in some states and districts, tests are just about the only part of the standards process that has been put into place. The other pieces include:

- curriculum that is based on the new standards students are supposed to achieve
- professional development so teachers are fully equipped with the classroom skills and methods the new curriculum requires
- help for children who fall behind.

Tests should be just one part of the standards reform process.

But some students face make-or-break exams, and schools and teachers are also held accountable for their students' scores, with few, if any, of these essential pieces in place. Moreover, some of the tests are not even based on the state's standards.

Another problem is that in some states and districts, pressure to show big improvements on test scores forces teachers to spend weeks, and even months, drilling students on the tests. In effect, the tests *become* the curriculum. Now, there is nothing wrong with preparing kids for a test—when they also have a rich curriculum. But when tests are allowed to become the be-all and end-all, they deform, not reform, education.

Let's Fix What's Wrong

The solution to these problems is not to abandon testing but to fix what is wrong. It would be disastrous to go back to where we were before we started on standards reform, and polls make it clear that the majority of Americans don't want to. Tests are an essential part of that reform. They are necessary to measure progress and show us who needs help and for fair accountability. But legitimate questions about problems with high-stakes testing should not simply be dismissed or trivialized.

High-stakes testing by itself is not enough. Our schools and students need the entire package of standards reforms—and the more they have of it, the better they do. It's up to the states to follow through—and it's up to all of us to keep the pressure on until they do. ▮

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support cannot easily translate into legislative action. Since American candidates are largely independent and self-selected, they serve as a much more direct conduit between raw public opinion and actual political action.

Basically, then, Europe doesn't have the death penalty because its political systems are less democratic, or at least more insulated from populist impulses, than the U.S. government. And elites know it. Referring to France, a recent article in the *UNESCO Courier* noted that "action by courageous political leaders has been needed to overcome local public opinion that has remained mostly in favour of the death penalty." When a 1997 poll showed that 49 percent of Swedes wanted the death penalty reinstated, the country's justice minister told a reporter: "They don't really want the death penalty; they are objecting to the increasing violence. I see this as a call to politicians and the justice system to do more."

An American attorney general—or any American politician, for that matter—could never get away with such condescension toward the public, at least not for attribution. Pundits and rival politicians would slam him, and, on most issues, liberals would be first in line. After all, liberals are rightly attached to the idea that they speak for the "little guy," the "working family," or, in Al Gore's recent phraseology, "the people, not the powerful." But, all over the industrialized world, it turns out that the men and women on the street like the death penalty. It's just that in Europe and Canada elites have exercised a kind of noblesse oblige. They've chosen a more civilized and humane political order over a fully popular and participatory one. When American liberals invoke Europe's abolition of the death penalty, that's the choice they're essentially endorsing, whether they know it or not. It's a perfectly defensible position—but it might not go over that well on "Crossfire." ■

On the Hill

Long Goodbye

By TIMOTHY WALIGORE

REPRESENTATIVE MATTHEW MARTINEZ of California may be the longest-serving Latino in Congress, but he hasn't exactly distinguished himself during his ten-term career. Precious little important legislation bears his name. And when he has made headlines, it's mostly been for his lapses: his (legal) use of taxpayer funds to upgrade his airline tickets to first class; his comically lame excuse for 19 overdrafts in the House banking scandal (at first he said he had written only four checks, which he had postdated so he could later deposit funds to cover them); or his role in steering a federal contract to a minority firm that later hired his son (he vouched for the firm's "professionalism" in a letter to the Commerce Department).

Still, Martinez was always good at one thing: being a Democrat. When the House threatened to reject President Clinton's 1993 budget, Martinez, who had been wavering, threw his support behind it at the last moment. During the impeachment hearings in 1998, he was among Clinton's most ardent defenders. "I've read far enough into the [Starr] report to find what the actual sexual contact was: it was oral sex ten times, [and] eight of those times the president didn't ejaculate," Martinez said at the time. "I come to the conclusion that the president was set up." And, if his fellow Democrats couldn't always depend on Martinez to be the most persuasive of advocates, at least they could count on his vote. According to *Congressional Quarterly*, last year he voted with his party more than 90 percent of the time.

But all that changed this March, when Martinez added another dubious accomplishment to his resumé: he became the only Democratic incumbent this year to lose reelection in a primary. Martinez, who was trounced by a humiliating two-to-one margin, seems a tad, well, bitter about the experience. And he's exacting revenge on the people he says are responsible for his ouster: the Democratic interest groups and officials who endorsed his opponent, California State Senator Hilda Solis. His method? He's voting with the Republicans on almost everything. In other words, Martinez may finally, in the twilight of his legislative career, have an impact after all—by sticking it to his own party.

SINCE THE PRIMARY, Martinez has backed his Democratic brethren on party-line votes only 18 percent of the time, according to a June *Los Angeles Times* analysis. The Republicans have enjoyed Martinez's support on crucial procedural votes for appropriations bills; he's also joined their crusade to eliminate the tax code, a cause he previously opposed. The change is so stark that Democratic vote counters now simply assume he's on the other side. "Just looking at his record over the past few months, he's voted against us on a lot of major issues," says Fred Clarke, a spokesman for the Democratic whip's office. "It's an automatic assumption that he's not voting with us."

The irony is that, more than most of his colleagues, Martinez owes his career to his party. He came to Congress largely through the support of Southern California's famed Waxman-Berman Democratic machine. Representative Howard Berman, then a member of the California legislature, recruited Martinez, then mayor of Monterey Park, to run for the state assembly in 1980. Allies of Berman and Representative Henry Waxman in the U.S. Congress and state legislature then helped create the mostly Hispanic thirty-first district for Martinez in 1982, allowing him to defeat a conservative Republican who had served seven terms in Congress. And, initially at least, Martinez did his patrons proud, working to increase funding for Head Start and to extend protections for victims of age discrimination.

But over time Martinez's performance degenerated—both on the Hill and in his district. "He became totally disconnected from his constituents," says Michael Alvarez, a political-science professor at the California Institute of Technology. Even Martinez's own sister endorsed his opponent in the primary, saying her brother didn't help the folks back home. "We see Hilda, and we don't see Matthew,"

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she griped. Martinez admitted he was often absent from the district but asked, "How can you be present when you're busy working for the district in Washington, three thousand miles away?" Yet Martinez's work in Washington wasn't all he made it out to be: in 1992 *The Almanac of American Politics* described him as "a backbencher with little impact or influence."

So when a credible challenger emerged this year, prominent Democrats stampeded to her camp. The local and state Democratic Party organizations endorsed Solis, as did Senator Barbara Boxer, Representative Loretta Sanchez, and former Representatives Jane Harman and Esteban Torres. California's other senator, Dianne Feinstein, initially endorsed Martinez—but only because she thought he was running unopposed. Once she learned that Solis was running, Feinstein tried to withdraw her endorsement, but no one in Martinez's office would take her staffers' calls. "We were anxious to get a message to the congressman," says Kam Kuwata, Feinstein's campaign manager. "I ended up leaving a voicemail [withdrawing the endorsement] after several attempts." Even Martinez's onetime sponsors Waxman and Berman stayed neutral. Money followed the endorsements, and Solis outspent Martinez three-to-one.

As his supporters abandoned him, Martinez careened between denial and fury. A week before the election, he told *Roll Call* that, despite polls showing he was losing badly, "There is no campaign. No, no, no! This is not a campaign. We're going to win. I have no doubt about that." When Sanchez endorsed Solis, Martinez called her "a freaking idiot" and referred to his opponent's supporters as a "bunch of crazies." Just hours before conceding defeat, he denounced Solis as "obnoxious."

SINCE HIS LOSS, Martinez has been far more circumspect. In his one public comment on the matter—to the *Pasadena Star-News* earlier this month—he said he was "not bitter" and that "the Democratic leadership made me a free agent when they turned their back on me. Now I can keep voting according to my beliefs and not worry about what the leadership thinks." But Martinez's beliefs seem to have changed a great deal in the last few months. Generally a supporter of abortion rights, he recently voted against a Democratic proposal to lift a ban on allowing women on overseas military bases to pay for their own abortions. The bill's sponsor? Sanchez. "He was extremely hurt by the fact that a few colleagues in the Democratic delegation either endorsed his opponent or stayed neutral and the fact that organized labor essentially went with his primary opponent," says California Representative Robert Matsui, who supported Martinez. "His hurt feeling expressed itself in anger."

Needless to say, in a House as closely divided as this one, Martinez's de facto defection hurts his party. When the Republican prescription-drug bill (which most Democrats denounced as a "sham") recently passed the House by a mere three votes, Martinez was one of only five Democrats on board. Martinez even votes with the Republicans on procedure, something not even the most conservative Democrats generally do.

But the Republicans can't afford to gloat. Last month, GOP Representative Merrill Cook of Utah was defeated in a primary—and he's not happy either. Feeling that he didn't receive enough support from the Republican leadership, Cook has told his GOP colleagues that, during his remaining days in office, they shouldn't count on his vote. "I'll ask Tom DeLay's office to please not bother my office with any whip checks from this point forward," Cook recently told *Roll Call*. "I don't want to be asked how I plan to vote on any particular bill beforehand." Hell hath no fury like an incumbent scorned. ■

Colombo Dispatch

War Effort

By ROLAND EDIRISINGHE

WITH THE REBEL Tamil Tigers unable to take the Jaffna Peninsula and reportedly demoralized, it looked as if Sri Lanka's 17-year civil war might finally be winding down. So President Chandrika Kumaratunga, in a celebratory mood, declared June 7 War Heroes Day. Alas, War Heroes Day was anything but festive: at a celebration in Ratmalana, about ten kilometers from Sri Lanka's capital, Colombo, a bomb blast killed C.V. Gooneratne, a senior government minister, and 22 others. The government blamed the guerrillas, and the press said the optimism had been a delusion: the Tigers, who want a Tamil state in Sri Lanka's north and east, had years of fight left in them; the war would go on and on.

So why isn't everyone depressed? Because the strangest thing about Sri Lanka's strange and terrible civil war is that most Sri Lankans have acclimated themselves to it; in fact, many don't know what they would do were it to end. Why do Sri Lankans tolerate, and even embrace, the intolerable? It's the economy, stupid.

While the estimated $1 billion the Sri Lankan government will shell out this year in defense expenditures—about six percent of the country's gross domestic product—would seem a colossal misallocation of resources, the money has actually been a boon to many Sri Lankans. The most direct beneficiaries, of course, are the country's increasingly numerous troops. When the Tamil rebellion erupted in 1983, Sri Lanka had a largely ceremonial army, navy, and air force of 12,000. Today's battle-scarred armed forces total 120,000. The new recruits mostly hail from Sri Lanka's poverty-stricken hinterland, where soldiering is the only job available. They are now breadwinners—earning up to 10,000 rupees ($125) per month and supporting a combined total of as many as 720,000 dependents, five percent of Sri Lanka's population. As the World Bank warned in a recent report, "In the event of

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peace being established, substantial and immediate [military] cutbacks . . . would mean retrenchment on an unacceptable scale."

And it's not just the rural poor. The urban poor also depend on the war. About 100,000 Sri Lankans have found work providing goods and services—like catering, tailoring, and construction—to the armed forces. Private security firms, much in demand by Sri Lanka's leading businesses, have also flourished as a result of the conflict and now employ about 150,000 people. All told, the war has created perhaps 400,000 new private-sector jobs—deeply appreciated in a country where twelve percent of the population is unemployed.

Jobs are also easier to come by because at least 520,000 ethnic Tamils have left Sri Lanka since the conflict began in 1983, in effect leaving behind 520,000 jobs to fill. Then there are the businesses that revolve around the refugee traffic: if the exodus ceased tomorrow, half the foreign airlines flying into Sri Lanka would probably cancel their service, and the 50 or so travel agents dependent on departing Tamil clients would likely go out of business. What's more, Tamils living abroad—many in nearby India, plus smaller concentrations in the United States, Great Britain, Canada, and Australia—have pumped about $500 million back into Sri Lanka in remittances to family members who remain behind.

Many Tamil expats, seeking to avoid red tape and fearful of being identified in their new home country since they may be engaging in illegal activities, shun Sri Lanka's official banking system—instead sending their remittances to "money brokers," who, for a fee, ask no questions. The remittances then enter Sri Lanka's black market, which has thrived during the civil war. N.U. Jayawardena, a former governor of the Central Bank, recently valued Sri Lanka's underground economy at about $3 billion per year—more than one-quarter the size of the official economy—much of it centering on the country's now-booming heroin and weapons trades.

The underground economy is tolerated, and even supported, by Sri Lanka's reputedly corrupt political elite. The Kumaratunga government has been accused of using the sale of state assets, like the national airline and the container terminal in the port of Colombo, to siphon off money for political cronies. In 1997, three members of the Commission for the Prevention of Bribery and Corruption were forced to resign for failing to do just that.

Indeed, most of the popular discontent with Sri Lanka's government centers on corruption. It certainly doesn't center on the war's awful human toll. Although 60,000 people have been killed in the 17-year-old conflict, there's little civilian concern about mounting casualties. After the morning bombing that marred War Heroes Day, life in Ratmalana had returned to normal by that very afternoon. One of the reasons for this insouciance may be the military's generous death benefits: the family of a soldier killed in combat not only receives the soldier's salary until the year in which he would have turned 55; it's also entitled to a gratuity and a house that, combined, total as much as 100,000 rupees (more than $1,000).

But it is not just economics that makes people accept the war. For nearly two decades now, Sri Lanka has known nothing else. Indeed, more than three million Sri Lankans—about 17 percent of the population—were born after the civil war began. These people have built not only their economy but also their lives around the war. In theory, they might realize that the war stunts Sri Lanka's long-term prosperity. But, more concretely, they know that peace could put them out of a job and disrupt social and familial patterns to which they've long since adapted. From afar, Sri Lanka's endless civil war may look like a failure of diplomacy, or even of development. But, closer to home, it looks at least as much like a failure of cultural imagination. ■

Campaign Journal

Hide and Seek

By Michelle Cottle

In case you missed it, July 19 was National Paint-a-Poster Day. Sponsored by the 2000 Republican National Convention, PAP Day, as those in the know call it, was pretty much what the name suggests. With the Philadelphia gathering less than two weeks away, the GOP was encouraging the faithful to "bring yourself, your friends, and your party pride!" and help ensure that, come convention time, there would be plenty of colorful, homemade displays of love and support for Texas Governor George W. Bush. "The BIGGER the crowd," the invitation promised, "the BIGGER the fun!"

If only the same could be said about the conventions themselves. As the two teams labor to generate excitement for their four-day summer pep rallies—rolling out details on themes, speakers, and schedules in carefully packaged nuggets—even many creatures of the Beltway expect the gatherings to be one giant, hyper-orchestrated yawn. Going in, chuckles Republican strategist Rich Galen, there's "an expectation of eye-rolling boredom."

Except . . . there is always the chance that, despite the best-laid plans, the candidates themselves could provide some genuine spontaneity—by screwing everything up. And, since Bush and Vice President Al Gore have their own unique sets of flaws, the two parties have diametrically opposite convention nightmares. The Gore folks worry that their charismatically challenged candidate will get lost in the convention hubbub, thus cementing his image as a nonleader. The Bush team frets that its star, with his boatloads of charm and little else, will reveal too much of himself and convince voters there's no there there. Much of the glitz you see at the conventions, then, will be a high-tech diversion meant to hide the nominees' weaknesses. The main difference is that the Democrats will try to hide Gore's blemishes by focusing the spotlight on him, with no unflattering contrasts, while the Republicans will try to hide Bush's by just, well, hiding him.

For weeks now the GOP has been boasting that it will put

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on "a different kind of convention for a different kind of Republican." And it will: the Republicans are going to keep their candidate as far from the action as possible. "The focus is policy," says Bush flack Ari Fleischer. "Our goal is to highlight and showcase Governor Bush's policies and his philosophy—and let people get a little glance at him himself." To wit, on the Friday before the convention's Monday start, George W. will set out from Austin on a cross-country jaunt toward Philly, stopping in a half-dozen battleground states en route. He won't arrive at the convention until the next to last day; his mug will simply be beamed in via satellite from points along the way. Although Bill Clinton pulled a similar stunt for the 1996 Democratic convention, wending his way from West Virginia to Chicago on an Amtrak-powered whistle-stop tour, he was already a well-known incumbent seeking to inject his second convention with a little pizzazz. But George W.'s showing up late serves a different purpose; he already has the pizzazz—it's the well-known part he has to worry about. Each day, Bush's televised image will drop into the convention, utter a few lines about the policy theme of the day, and then drop back out, leaving the details (never W.'s strong suit) to a supporting cast. (Laura Bush will speak on education, Condoleezza Rice will talk foreign policy, and so on.)

In fact, the real stars of the Republican roundup will be W.'s surrogates—"an irresistible mix of politicians, celebrities, and regular people," as *The Washington Post* put it. As currently planned, the convention seems little more than a four-day photo-op featuring a rotating cast of minorities and women. In addition to party luminaries like Rice, Elizabeth Dole, and Colin Powell, viewers will meet such nonentities as Paul Harris, a state legislator from Virginia who just happens to be black. This Benetton-ad-style roster will show what an enlightened, tolerant guy Bush is without him having to say a word. So eager are Republicans to display Bush's "different" image that George W. and party maverick Senator John McCain are the only two white guys on the announced speakers' lineup thus far—an inclusive but not particularly representative slice of the Grand Old Party.

Alas, W. has to show up in Philadelphia eventually, and some Republicans are already a bit anxious about his Thursday-night acceptance speech. "When George Bush is talking off-the-cuff, he sounds relaxed, confident, knowledgeable," says Dan Schnur, former communications director for McCain's presidential run. "But, when he's reading beautifully done speeches, he doesn't sound like himself." This, in turn, might raise questions about whether W. believes in (or even understands) what he's reading off the teleprompters. "I don't think the candidate is likely to make very many mistakes," says Galen. Of course, Galen adds, "he's not likely to be there much."

BY CONTRAST, IF the vice president's team gets its way, the Democratic convention will be "The Al Gore Show." From the post-primary moment that George W. began overtaking the veep in the polls, Gore's people have been saying: Just wait until the conventions. All vice presidents, they say, look like the national beta male—an image, they assure us, that Gore will neatly dispel in Los Angeles.

To do so, Gore's handlers must make sure the national alpha male—and his wife—don't steal their man's thunder. Already there have been tense (occasionally public) "negotiations" about how high the First Senate Candidate's profile will be. Early on, Team Hillary said she should take part in the Tuesday-night parade of female candidates; now that display is scheduled for Monday night, and she and President Clinton have both agreed to appear then. The hope is that the first couple will do their thing and then promptly clear out. (Clinton and Gore will meet briefly on Tuesday for a symbolic, off-site torch-passing à la Ronald Reagan to Bush père in 1988.) Otherwise, there's always the danger that one or both Clintons will overshadow Gore. After all, as one White House operative notes, the convention will be packed with "the hardest of hard-core Democratic political people," many of whom remain gaga over the president. "But that's not where the game is this year, and there needs to be more discipline about not fawning all over Clinton."

If there's to be any fawning, the Gore people want to make damn sure it's over the vice president. At this point, it remains unclear where the candidate himself will spend the first couple of convention days, but the entire event will likely be set up as Gore's coming-out party, with a focus on the personal rather than the issues. "The convention process is really one of the moments in a campaign when a candidate begins breaking out of the vice presidency," says Gore spinmeister Chris Lehane. During the Los Angeles love-in, Lehane promises, people will learn all about Gore's "history and experiences. The fact that he grew up in two places—a farm in Tennessee and in Washington, D.C.—the fact that he volunteered in Vietnam, that he came back from Vietnam very disillusioned and spent seven years as a newspaper reporter, that he eventually went back into public policy as a result of what he saw as a reporter."

And if that's not enough, Team Gore is expected to whip out a biographical video along the lines of the now-legendary "Man From Hope" that did so much to flesh out Clinton's persona in 1992. Democrats will also make use of the perkier, more mediagenic members of the Gore family. "Everybody in America who I talk to says, 'You gotta get Tipper out there,'" says the White House operative. "She's out there! But the press won't cover her because they don't see the events she does as newsworthy. Well, here's the opportunity to get her out there, and they gotta look at her. She's a big asset, so look for her to be used very prominently."

Most significantly, there's the acceptance speech. Like Bush's, Gore's big oration sparks anxiety among his backers. "Part of me worries that he'll get up there and say, 'Now, if you'll all turn to Chapter Eighteen,'" says former Clinton adviser Paul Begala. Complicating matters, at the convention Gore cannot (or at least should not) fall back on the attack mode in which he is most comfortable. "Gore is great at giving the red-meat political speech to the faithful that includes lots of pops on Republicans," says one Democratic player. "He's not stiff when he's doing that. He's not boring. But it's not presidential. It's not how he'll demonstrate leadership to swing voters. Gore has not yet acquired the ability to give a forward-looking, vision-oriented, positive-message speech."

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All told, Gore is facing the more daunting task. At conventions, candidates are meant to be telegenic, zippy, and superficial—all of which plays to Bush's strengths. But the political gods are fair, and W. too will face his moment in the pressure cooker: the debates. While Bush doesn't have much riding on his convention performance, observers say, the debates are when he will have to deal with all those worries about his smarts and gravitas. It's a safe bet that the vice president can't wait until the conventions are over so he can go mano a mano with W. on live television. Possible Gore slogan for the events: "The BIGGER the crowd, the BIGGER the fun!" ■

New York Dispatch

Devil's Advocate

By Dahlia Lithwick

It's 8:40 a.m., and Mario Cuomo stands at a lectern, offering his "points of view" to a few hundred young lawyers and summer associates in the wood-paneled auditorium of the Association of the Bar of New York. Cuomo's remarks, titled "The Soul of the Profession: Thoughts on Being a Lawyer," begin predictably enough. The former New York governor and lion of liberalism opens by expressing his disgust with the "frantic New Age courting" that big corporate firms undertake to hire and keep young lawyers. He laments the "unbelievably high" starting salaries and calls the perk-filled summer-associate programs a "scandal." And then, because he is Cuomo, he segues into the uplifting part of his speech. Putting his notes aside, his voice rising, he insists that most young lawyers cannot be placated by such goodies, because they are searching not for money but for "meaningfulness."

Then something strange happens. Cuomo doesn't say that meaningfulness comes from doing work you love or helping others or building a better nation. Instead, Mario Cuomo, partner at the law firm of Willkie Farr & Gallagher, flagrantly reverses direction, telling the young attorneys that meaningfulness is to be found in, well, money—in "putting food on the table ... and getting the bills paid." Cuomo, it turns out, is not asking the associates gathered here to leave their corporate firms and go forth to make the world a better place. He's telling them to stay put. He's telling them to cash their paychecks and lower their expectations. "Billions of human beings have come and gone, and only an infinitesimal number of them have succeeded in making a difference in the development of this planet," he argues. And, for anyone not yet fully deflated, he adds: "No single soldier ever won a war." So go ahead, spend your days doing due diligence on multibillion-dollar deals. And find your meaningfulness, he says, in the hope that the thousands of hours you bill might somehow, somewhere, create jobs.

It's trickle-down meaningfulness. And it's coming from Cuomo, the man whose oratory reframed, for a moment at least, the national political dialogue. At the 1984 Democratic National Convention, Cuomo's keynote address reminded an America drunk on trickle-down of the "elderly people who tremble in the basements ... [and] people who sleep in the city's streets, in the gutter, where the glitter doesn't show." For a cynical generation of X's, Cuomo breathed fire into empty words like "love" and "service."

Now Cuomo, who maintains a busy and lucrative speaking schedule, is giving the *anti*-commencement speech, telling several hundred young attorneys that none of them will ever really make a difference. The problem, says the governor, is not the grinding bottom line of the legal profession or a system that commodifies their hours like so many lumps of coal. The problem is that young lawyers have too many options, too much information, and outrageously high expectations. Maybe it's because they listened too attentively to the old Mario Cuomo.

In closing, Cuomo launches into a parable. A man passes a stonecutter and asks him what he is doing. The stonecutter

DREW FRIEDMAN

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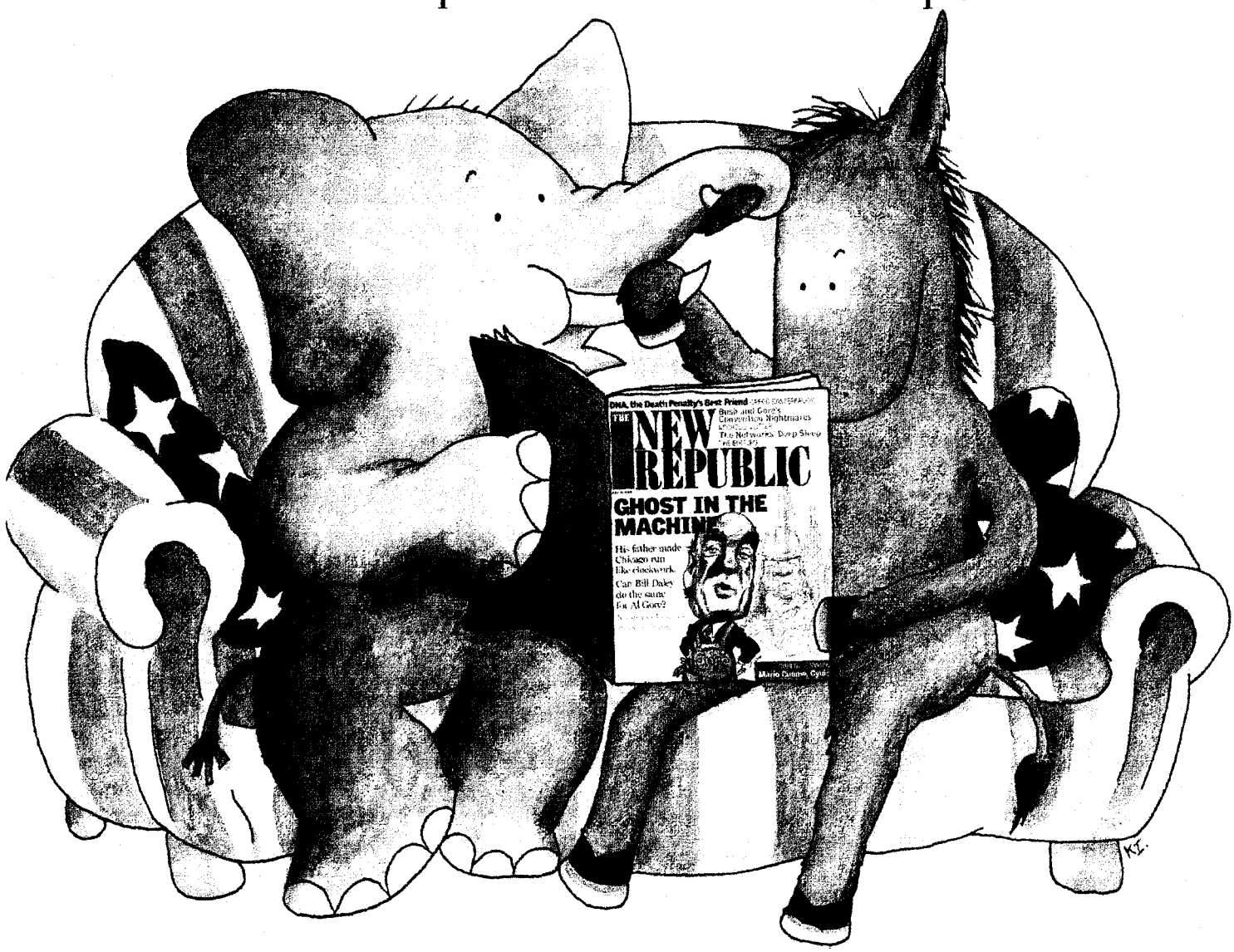

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replies, "I am cutting stone." The man then passes someone pushing a wheelbarrow, who tells him, "I am pushing a wheelbarrow." But when he passes a third man, a bricklayer, and asks him what he is doing, the bricklayer says, "*I am building a cathedral.*" Few people hear the punch line, however, because just as Cuomo says it, something on his lectern begins to smoke. It is the text of his speech, evidently held too close to the lamp. Within seconds, the sheaf of papers has burst into flames, which Cuomo tries to pound out with his bare hand. Laughing, he quips, "Let all of you in the room record that my words burst into flame." A few hundred lawyers turn white upon witnessing a possible divine intervention—or perhaps it's just the tort liability.

By the time Cuomo has extinguished his speech, there is little time for questions. When someone asks about his advice to law students, the former governor lights up just briefly, like a Roman candle. "*Tikkun olam*," he says, "is Hebrew for 'repair the world.' Complete the task of creation." But, by that time, young lawyers are leaking from the room. After all, it's already 9:30, and the breakfast has eaten up almost a full billable hour. ■

DNA and the end of innocence.

The Myth of Fingerprints

By Gregg Easterbrook

False convictions have been an important story this year. The reason? Genetic testing. So far, DNA tests have shown that at least 68 people imprisoned by state and federal courts—including some sent to death row (though none executed)—were innocent. As a result, criminal defense lawyers Barry Scheck and Peter Neufeld are spearheading a national drive to make the tests available to thousands of inmates. They have dubbed their campaign the Innocence Project—creating the impression that DNA tests will serve mainly to exonerate.

In fact, genetic evidence will serve mainly to lock people up. In England, where DNA fingerprinting was invented and has been in widespread use for a decade, law enforcement agencies have already used genetic evidence to solve some 70,000 cases. In the fairly near future, a standard item in the trunks of American police cruisers—perhaps even on each officer's belt—may be a DNA analyzer. As a suspect is arrested, police will quickly swipe the inside of his cheek with a cotton swab and pop the results into the scanner. Within minutes the machine will produce a stream of data describing the suspect's unique genetic structure. The data will be uploaded to state or national DNA databases to determine whether the suspect's DNA matches that of blood, sweat, semen, or similar bodily fluids found at the scene of unsolved crimes around the nation. Such a procedure will be good for public safety and make our legal system more just, but in the long run it will be exactly the opposite of an "innocence project"—it will result in a steady stream of inmates about whose guilt we can be almost entirely certain.

The most striking effect of genetic fingerprinting may be on capital punishment, with some opponents suggesting that DNA exonerations could shift the debate in their favor. They're probably mistaken. Of the four people on Texas's death row who have been granted extra DNA testing, three have been executed anyway when genetic evidence either failed to clear them or confirmed their guilt. The fourth, Ricky McGinn, last month received a stay of execution from Governor George W. Bush so he too could be extended the tests—and they reportedly help support his conviction as well. The two big laboratories that process DNA tests, Cellmark Diagnostics and Forensic Science Associates, have exonerated an estimated 40 percent of the inmates whose "post-conviction" genetic evidence they have reviewed, but the other 60 percent have had their guilt confirmed—and what's being reviewed here is the genetic evidence from those with the strongest claims of mistaken conviction.

During the next few years, post-conviction DNA testing will analyze the evidence of death-row inmates convicted before genetic fingerprinting became practical, and some innocent people will surely be freed. But over time—as the system works through the backlog of those tried before genetic analysis was common—the test's main effect will be to increase society's confidence that the man or woman being strapped to the death gurney really did commit the crime. There are two basic arguments against capital punishment: that it is inherently wrong and that it might be used against the wrong person. Death-penalty opponents have been placing more and more emphasis in recent months on the second—precisely the one genetic fingerprinting will undermine.

DNA testing is not the first anti-crime device touted as infallible. Similar claims were made for fingerprinting, also developed in England, when it was introduced at the end of the nineteenth century. But criminals learned to wear gloves or to wipe the crime scene clean. What's more, because fingerprints don't readily convert into the kind of digital data that can be rapidly accessed and shared by police—searching files for a print match is laborious and expensive—regular fingerprints may solve one particular crime but are not usually much help in matching a suspect to others.

Genetic fingerprinting, however, may really allow close-to-infallible identification. In the early '80s, English geneticist Alec Jeffreys realized that the "markers" on human chromosomes—short, structural areas of the genome—are unique from person to person, except for identical twins. Jeffreys developed a test that converts gene markers into a readout similar to a bar code, which can be easily loaded into computers. Not only has the Jeffreys test proved extremely reliable in identifying individuals, but, because it generates a digital result, computers can cross-reference one genetic fingerprint with thousands or millions of others, quickly and

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cheaply linking suspects to past crimes.

In recent years, DNA-fingerprinting technology has advanced to the point that, rather than requiring a good sample of blood or semen—which often meant securing warrants to jab suspects with needles—a speck of sweat or a swab from the inside of the mouth will do the trick. A test of mitochondrial DNA—which, while not unique to each individual, tells whether the DNA comes from a particular family's maternal line—can even be conducted on a strand of hair or "degraded" blood and bodily fluid samples that have been kept in storage. The cost of DNA fingerprinting has also dropped dramatically, from about $5,000 when the tests were first developed to about $100 for the newest versions, and is still falling.

Though very reliable, DNA fingerprinting won't solve every crime. It is useful mainly for what might be called intimate violent crimes, in which the perpetrator struggles with the victim and leaves behind blood, semen, or something else testable. (In the recent controversy over Bush's execution of Gary Graham, for instance, genetic evidence was moot—the victim was shot from a distance, leaving nothing of the killer's to test.) At other times, DNA in itself may neither exculpate nor damn. A hair from the murderer of Ricky McGinn's twelve-year-old stepdaughter was found on her corpse, for instance, and a DNA test is believed to show that this hair came from either McGinn or a close maternal relative of his. So, although a prosecutor could not convict McGinn on the DNA evidence alone, it could be a critical component of a larger case.

While there is currently no way to beat a DNA test, that could change, especially if criminals grow more careful with bodily fluids—say, abandoning knives for guns shot from afar. And people won't be researching biotech just to cure diseases—perhaps some enterprising chemist will invent a pill that scrambles the genetic markers in sweat and semen. But for now, at least, genetic fingerprinting is just shy of foolproof.

FOR THAT REASON, it is vital that DNA testing be used to exonerate the innocent. There are two main questions about genetic evidence: whether people convicted before such tests were available can reopen their cases for post-conviction DNA reviews and whether genetic fingerprinting should become a standard element of new arrests, as it already is in England.

Today only a few states, among them New York and Illinois, unambiguously grant those already imprisoned access to additional DNA testing. Courts have traditionally put strict deadlines on how long after conviction someone can introduce new evidence, in part because experience teaches that the longer ago something happened, the easier it is to find someone willing to commit perjury about it. Prosecutors traditionally fight requests for post-conviction testing, too—which is shortsighted, since a false conviction not only imprisons an innocent person but lets the real perpetrator go free. The Justice Department recommends that post-conviction testing be allowed when it could prove "actual" innocence but not permitted in cases built on claims of technicalities or reversible error. This would be a substantial improvement, and a bill offered by Senator Patrick Leahy of Vermont would basically make it law.

Many states have compiled DNA databases and are scanning them to see if evidence from tested suspects matches evidence from unsolved cases. Virginia, which has enacted a law requiring convicted felons to submit to DNA analysis, now has about 120,000 DNA samples on record. It has already found 177 matches between suspects and genetic material at the scenes of past crimes. This June, Virginia detectives took the gene markers of a man convicted of robbing a local gas station and ran them through the state database; they matched the DNA fingerprint to blood found and stored after a horribly gruesome—and until then unsolved—1992 murder. The gas-station robber was promptly arrested for the murder as well.

Yet, for routine police work, many states actually forbid DNA fingerprinting or, nonsensically, allow it only after crimes of extreme violence—as though violent criminals should be caught but not mere thieves or carjackers. Leahy's bill, or something like it, would make genetic evidence more standard and also establish a national databank: had the accused murderer in the 1992 Virginia case robbed a gas station in another state and given his DNA sample there instead, Virginia detectives might never have found him. Fighting efforts to more effectively use genetic evidence is the American Civil Liberties Union, which is lobbying against testing laws on the grounds that chromosome material deserves privacy protection because it might reveal such things as sexual orientation.

WHY A MURDERER has a right to sexual privacy (or any kind of privacy) isn't clear, but in any case the ACLU claim evinces confusion about what Jeffreys-style DNA tests can show. The "markers" analyzed in police tests constitute only a small, structural part of the genome. Just as a traditional fingerprint doesn't tell you anything about the suspect's personality—it just tells you about the shape of his or her finger ridges—genetic markers don't reveal anything about IQ or disease disposition or sexual orientation. Analyzing such complex traits, assuming it can be done at all, would require far more sophisticated tests, along the lines of the years-long human genome initiative. Perhaps someday there will be a quick, cheap test that gives police personal information derived from genes; that may be a reason to enact legal safeguards (see "The Big Test," July 10 & 17). For now, the main reason the ACLU seems to fear DNA fingerprinting is that it works.

And that should give death-penalty opponents pause as well. Expanded use of DNA evidence will free a few death-row innocents, which would be a blessing. But the new technology will also make society much more confident that those receiving their last meals really are guilty of a mortal sin. Suspicions that the innocent are being executed will not grow stronger as DNA testing spreads—they will grow weaker. And so opponents of capital punishment will lose the offensive they have claimed in recent months. They will be forced back to their real argument, the one that technology can't undermine: the inherent wickedness of execution itself. ■

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The talented Mr. Daley.

The Son Also Rises

By JOHN B. JUDIS

THE DAY AFTER the Super Tuesday primaries, it looked as if Vice President Al Gore had wrapped up not only the Democratic nomination but also the presidency. He seemed poised to capture the great political center from Texas Governor George W. Bush, who, in order to secure his party's nomination, had mortgaged his convictions to the religious right. But since then the Bush campaign has made a fundamental transition—from a primary-election strategy based on party activists and interest groups to a general-election strategy based on wooing a broad electorate. The Gore campaign has not. While Bush focused single-mindedly on reestablishing his image as a moderate, Gore shamelessly courted Cubans in Miami and Jersey City.

The vice president's public troubles have fed private factionalism. Divisions between "new Gore" staff and "old Gore" supporters, mostly lobbyists, who remain officially outside the campaign resurfaced this spring. One Washington lobbyist familiar with the Gore campaign described it as a "snake pit." Campaign chairman Tony Coelho deepened these divisions with his management style, which was described as "autocratic." As for Gore, he increasingly bypassed Coelho, raising questions about who was really running the campaign.

Gore finally answered them last month by replacing Coelho, who resigned due to ill health, with Secretary of Commerce Bill Daley. It was a very good choice. In Washington, Daley is known for his humility and loyalty, two qualities in short supply in presidential campaigns. But, even more important, Daley is extraordinarily good at politics. Throughout his career—in Chicago, during the NAFTA fight, at the Commerce Department, and most recently in the battle over permanent normal trading relations with China—Daley has displayed a kind of empirical intelligence peculiar to the best political consultants and diplomats. He has shown himself able to adjust quickly to change and willing to consider unlikely means to achieve desired ends. It's ironic that Gore, a man perceived to shift with the latest wind, needs Daley, a man raised in a rigid, authoritarian political milieu, to give his campaign the flexibility to finally adapt itself to the demands of a general election. But it's on such ironies that presidential elections are won.

Although Bill Daley has spent much of the last eight years in Washington, he learned his political skills in Chicago. The youngest child of legendary Chicago Mayor Richard J. Daley, who ruled over city and family like a beneficent feudal lord, Bill Daley was expected to subordinate his own ambition to that of his brother Rich, the firstborn son. "It was kind of a given that we all helped Rich," Bill Daley told me. And, of the six younger Daley children, he most clearly carried out this injunction. Like the young Michael Corleone in *The Godfather*, Bill Daley was the voice of reason and practical intelligence within the family, providing crucial counsel to Rich, who resembled the impetuous Sonny. "Bill was much quieter, calmer, sort of less impulsive, less emotional, more of a strategist," says former State Senator Dawn Clark Netsch, who worked closely with both brothers. Bill Daley was the one best able to see that in order for the next generation of Daleys to win power, they would have to embrace a style of politics radically different from the one practiced by their father.

No one thought they could do it. Rich Daley had been elected to the state Senate in 1973 on the strength of his

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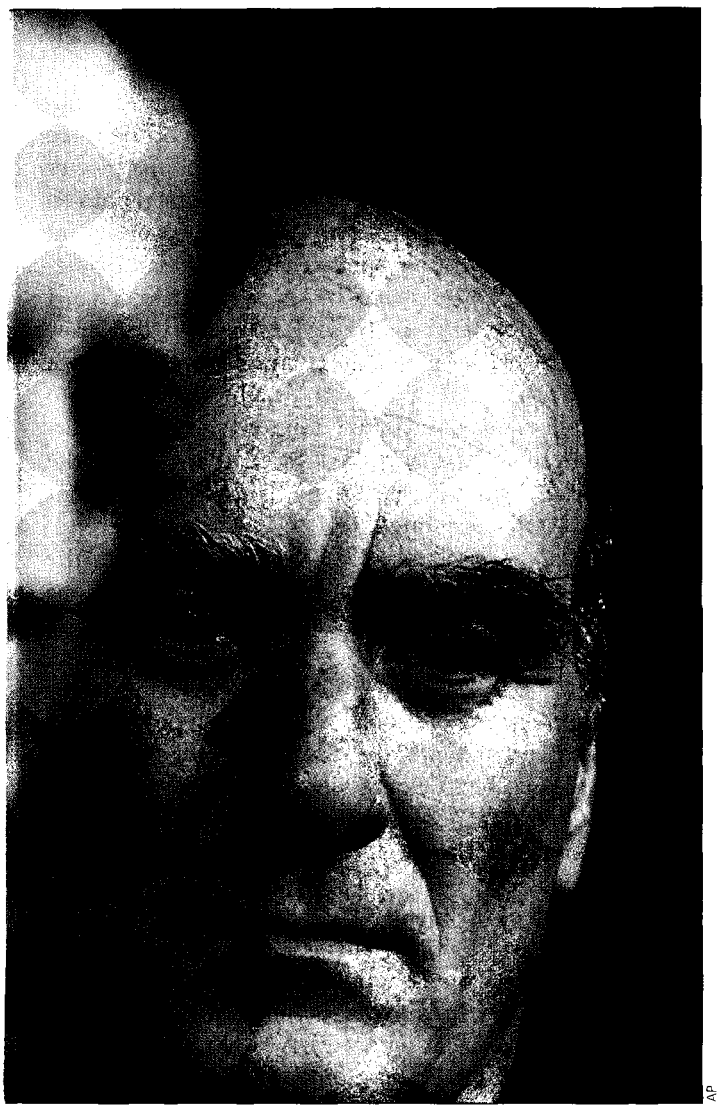

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name and, while there, had blindly done the Chicago machine's bidding. *Chicago* magazine rated him one of Illinois's ten worst legislators. As a result of their laziness, both Rich and Bill also acquired reputations for being stupid. Rich Daley flunked the bar twice before passing, and a state insurance examiner was convicted of perjury for denying to a grand jury that he changed Bill Daley's answers on a 1973 state insurance exam. (The conviction was later reversed on technical grounds.) Newspaper columnist Mike Royko described the brothers as "too dumb to tie their shoes."

When Richard J. Daley was alive, he kept his oldest son in office in Springfield and made sure his other three sons profited from city business. But, after he died suddenly in December 1976, his children lost what one Chicago politician called their "protective cocoon." The late mayor's former lieutenants, protégés, henchmen, and flunkies rushed to seize control of the Chicago Democratic Party for themselves, at the expense of the late mayor's children. "There were a lot of knives out for them," recalls Chicago political consultant David Axelrod.

But the death of his father seemed to make Bill Daley grow up, and, through some shrewd strategizing, he managed to keep those knives at bay. Although Bill credits his father for realizing before he died that "the machine was a big fallacy," it was probably the youngest son who first grasped that the Democratic machine, which had dominated city politics for almost 50 years through patronage and ethnic loyalty, had become a hollow shell. Looking at how politics was changing nationally and in other cities, Daley realized in the late '70s that if his brother wanted to win office, he would have to use television and opinion polling to craft an appeal to the city's new immigrant groups and increasingly independent electorate.

Equally important, Bill Daley understood that his family had to break with the growing conservatism of Chicago's white Democrats. Typically, he insists that this was not a betrayal of his father's legacy but a return to the politics that Richard J. Daley espoused when he first ran for mayor in 1955 as a liberal, anti-corruption reformer. "He came in as a reformer and cleaned up," Bill Daley says of his father. In this case, Daley's history is correct. As political scientist Paul M. Green has shown in *The Mayors*, Richard J. Daley abandoned liberalism only after challenger Benjamin Adamowski attacked him in the 1963 election for devoting too many resources to the city's poor. Before then, his principal critics were reactionary white ethnics, not the lakefront liberals and militant South Side blacks who later banded together to deny his delegation seats at the 1972 Democratic National Convention.

Bill Daley encouraged his brother to defy Chicago's mayor, Jane Byrne, and the remnants of the Chicago machine and make common cause with the same liberals who had battled their father in 1972. In Springfield, Rich joined Netsch in fighting to remove the sales taxes on food and medicine. Then, in 1980, Bill Daley advised his brother when he ran for Cook County state's attorney. His opponent was their father's former protégé Ed Burke, who was endorsed by Byrne and Representative Dan Rostenkowski. With Bill as his campaign manager, Rich Daley ran as an anti-corruption liberal, backing, among other things, merit selection of judges, which removed a traditional source of patronage. Through the skillful use of advertising, Daley also successfully appealed to suburban and lakefront voters hostile to the machine. Rich Daley's victory signaled the final collapse of the machine—and the reemergence of the Daley family as a power in Chicago politics.

BUT BILL DALEY didn't save just his family's political fortunes; he also helped save Chicago's. By the '80s, Chicago looked like it was becoming a racial Beirut. Some of the city's blacks, long denied an equal role in the machine, were turning toward demagogues like former Representative Gus

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Savage; ethnic Democrats, meanwhile, were increasingly practicing the politics of white backlash. But rather than follow Los Angeles's Sam Yorty or Philadelphia's Frank Rizzo and turn sharply to the right, the Daleys developed a Chicago version of the Third Way.

In 1983, Rich Daley ran for mayor, with Bill Daley as his campaign manager once again. Facing off against Byrne and Representative Harold Washington, an African American, Bill Daley ordered that the campaign avoid any appeal that could be construed as racial. "One of the things Bill was quite adamant about was no ugliness, no racial anything," recalls Netsch, who was the campaign's chairman. After Washington won the primary, Bill Daley broke sharply with other white ethnic leaders and attended Washington's unity dinner. Rich Daley quietly endorsed Washington, while Byrne and many other prominent Democrats either sat out the election or endorsed Washington's Republican opponent.

After winning reelection, Harold Washington died in office. And, in 1989, Rich Daley ran for mayor again, with Bill Daley again in charge of the campaign. In the general election, Rich Daley faced the extremes of Chicago politics: a former machine Democrat turned Republican defender of white power and an African American Democrat turned independent who was backed by black nationalists. At his brother's urging, Rich ran as the candidate of racial reconciliation. Bill Daley recruited Avis LaVelle, a prominent black radio reporter, to be his brother's press secretary, and he won the support of Latino Alderman Luis Gutierrez and, more broadly, of the growing bloc of Hispanic voters.

Bill Daley's legacy in Chicago has been obscured by his brother's subsequent success in office—Rich Daley has been reelected three times and now enjoys support throughout the city, including in black wards. As the youngest brother, Bill Daley remained perpetually behind the scenes—"he had an unusual ability to subjugate his own ego," says David Axelrod, who worked with the Daleys in Chicago. But, according to people close to the campaigns, Bill Daley crafted the new approach that won his oldest brother the mayor's office. He developed the strategy of moderate reform and racial reconciliation that allowed Rich Daley to navigate the troubled waters of Chicago politics in the '80s and become in the next decade one of the most successful mayors in the country.

WHILE BILL DALEY was helping his family, he was also making forays into national politics. He served as his father's liaison both to the McGovern campaign in 1972 and to the Carter campaign in 1976. After his father's death, he kept his hand in national politics, working for Walter Mondale's presidential effort in 1984 and for Michael Dukakis in 1988. During his brother's early years as mayor, Bill Daley, according to Al From of the Democratic Leadership Council, was the "one to see in Chicago." In 1992, he organized Illinois for Bill Clinton.

Clinton's victory seemed to represent Bill Daley's big break, and Clinton was expected to appoint him secretary of transportation. But at the last minute Clinton chose Federico Peña because he wanted a Hispanic Cabinet member. Rich Daley was reportedly furious and lashed out at Clinton during the president's first year in office. But Bill Daley maintained his cheerful exterior, and when Clinton asked him in August 1993 to lead the effort to pass NAFTA, he assented. Even though overseeing NAFTA was widely viewed as a thankless task, Daley agreed to help Clinton for the same reason he helped his brother: a sense of loyalty. He took the job, he told *The Washington Post* at the time, out of "a strong feeling for the Democratic Party, a loyalty to the principles it stands for—and a loyalty to the leader of the party. The fact that he [Clinton] feels so strongly about this as a way of creating jobs is very important to me."

Unfortunately for Daley, Clinton did not feel very strongly about NAFTA at that moment. When Daley came to Washington that August, he faced not only a daunting array of opponents—from Ross Perot to the AFL-CIO to two of the three leading congressional Democrats—but the indifference of the Clinton administration as well. During his first month on the job, Daley didn't even have his own office; he worked out of a cubicle in the U.S. trade representative's office and sometimes made calls from a bench in Lafayette Park. When I recently asked former U.S. Trade Representative Mickey Kantor what role Daley played in the administration's NAFTA push, Kantor said that he "forced an administration into putting its effort into something." Kantor then tried to correct himself—to say that Daley "led" rather than "forced" the administration—but it is clear from other participants that "forced" is the more accurate verb.

Once he had the administration behind him, Daley led the charge on the Hill, coordinating one-on-one negotiations with some 100 members who had not yet made up their minds. With some House members persuasion was enough, but with others Daley had to wheel and deal: the administration ended up passing out some $20 billion in programs to House members. When Daley arrived in August, NAFTA opponents counted 220 House members as opposed to the treaty—two more than were needed to defeat it. When the final vote was tallied three months later, NAFTA passed easily with 234 votes.

AFTER NAFTA, BILL DALEY returned to Chicago and to his lucrative law practice at Mayer, Brown & Platt. But, in December 1996, Clinton, as a reward for NAFTA, called him back to Washington to become secretary of commerce. Some reward. Under Ron Brown, who had died in an airplane crash in April, the Department of Commerce had become embroiled in one scandal after another—first over Brown's personal business dealings and then over trade missions that appeared to reward campaign contributors. In 1995, House Republicans had actually voted to eliminate the department, but the Senate had failed to vote on the measure. Then, in fall 1996, the press revealed that John Huang, a Clinton fund-raiser charged with arranging illegal foreign contributions, had been working out of the Commerce Department. As Daley came up for confirmation, there was renewed support for dismembering the department.

As in Chicago, Daley found new allies and altered the existing political dynamic. He defused opposition on Capitol Hill by removing any partisan taint from the trade missions,

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drastically reducing the number of political appointees and replacing them with career civil servants. (The number of political appointees had actually skyrocketed under Bush administration Secretary of Commerce Robert Mosbacher and had merely been maintained by Brown.) He charmed Arizona Senator John McCain and other Republicans on the Commerce Committee. Ivan Schlager, who served as an aide to the committee, says of Daley, "He had been around power all his life. He had a good feel for how to deal with opponents, how to treat someone with respect because you are going to need him later."

Daley also won his two biggest battles as commerce secretary: using sampling for the census and establishing permanent normal trading relations (PNTR) with China. On the census, Daley wanted to follow the recommendations of the Census Bureau, which favored sampling as a means of ensuring that new immigrants and the poor were not overlooked. The Republicans in Congress—recognizing that the census determines how political districts are carved up and how federal funds are allocated—wanted a simple head count. After three years of battling, Daley, the child of Chicago machine politics, outmaneuvered the Republicans by putting the decision in the hands of the nonpartisan census director, who favored sampling on technical grounds.

Then, last January, with support for China's entry into the World Trade Organization waning on Capitol Hill, Clinton bypassed U.S. Trade Representative Charlene Barshefsky and appointed Daley to head the administration's campaign for PNTR. As with NAFTA, Daley distributed his share of pork. Democratic Representative Bud Cramer of Alabama, for instance, voted for PNTR after a fruitful discussion with Daley about a weather station in Huntsville that the administration had threatened to tear down. But Daley's most important contribution was his unexpected alliance with Representative Sander Levin, a Michigan Democrat who had close ties to labor and to Minority Leader Richard Gephardt. Daley worked with Levin to back a commission that would monitor China's human rights record and allow the president to limit unexpected surges in Chinese imports. The commission brought in the 20 to 30 additional Democratic votes PNTR needed to pass. Levin gives Daley full credit: "We had a close relationship, and I think he played a decisive role. Every time I met with him I had a still higher opinion of him, and that is not always true in relationships. I found him direct, I found him open-minded. He was willing to change his mind." Levin adds, "Those same traits will serve him well in the Gore campaign."

WHEN GORE CALLED Daley last month to offer him the job of campaign manager, Daley initially thought he was going to be asked to be Gore's running mate. Instead, he was once again asked to toil for someone else's glory, and he responded accordingly. "He said he had been given a great honor to serve here, and he felt if they call, he has to do it," Bill Reinsch, Daley's undersecretary for export administration, recalls Daley telling him. "He was getting deeply into substantive issues here, but he is a loyal soldier."

Turning the Gore campaign around will not be easy. In contrast to the Bush campaign, whose inner core consists of people whose careers are inextricably joined to the candidate, the Gore camp is deeply divided between insiders and outsiders. Strangely, though, the insiders are on the outside: the campaign has been run by a group of professionals led by Coelho, who, with the exception of media specialist Carter Eskew, do not have deep ties to Gore. Gore's closest political friends and advisers consist of former colleagues and staff, most of whom work as lobbyists in Washington and do not have positions in the campaign. It's a dangerous situation—in 1980, Ronald Reagan finally had to fire his campaign manager, John Sears, because Sears insisted on keeping Reagan's old friends and allies out of the campaign. Coelho, who was insecure in his position, tried to insulate Gore from his circle of friends and advisers. That worked during the primary, but, once Gore began to lose momentum, his friends started to complain and Gore himself began to look beyond Coelho for advice, leaving the campaign itself without a functioning leader.

DALEY BRINGS A powerful example of political loyalty. He also has the confidence and ego strength to heal the divisions between the campaign's insiders and outsiders. Indeed, people close to the operation are more hopeful than they have been in months. Jack Quinn, a Washington lobbyist who was Gore's chief of staff from 1993 to 1995, draws a sharp distinction between Coelho and Daley. Coelho, Quinn says, "relied on a very small circle of advisers and didn't reach out to a lot of people. That's not the kind of guy Bill Daley is."

Daley is also well-equipped to improve the campaign's awful relationship with the press. Coelho, fearful that he would be asked about his questionable business dealings, refused to give interviews. Daley, by contrast, is very comfortable with reporters. When I asked to speak to Daley for this story, he called me himself in the evening. When I came to see him at the Commerce Department, he talked to me alone, without media consultants hovering in the background taking notes.

Daley can't provide the Gore campaign with the kind of tactical leadership that Lee Atwater gave George Bush in 1988 and James Carville provided Clinton with in 1992. Others will have to fill that role. But Daley, because he feels comfortable reaching across traditional divides, instinctively understands the differences between a primary campaign and a general election. One administration official who knows Daley well and is close to the Gore campaign says, "Coelho had more of an interest-group approach. Bill Daley looks at politics in a much more big-picture way. As opposed to thinking of interest groups, he thinks of larger values and themes that the public will respond to." Says a senior administration official who advises Gore, "Daley is not a grand strategist, but he creates the conditions, he will make it possible for Gore to operate better." The results are only beginning to trickle in—Daley officially assumed his position on July 15—but if Bill Daley can pull off this one last salvage operation, his days in the political shadows will be over at last. ■

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Stanley Kauffmann on Films

Crime and Replenishment

SERIOUS FILMS ARE usually either works of art or works of artiness. Compare, for instance, *The Straight Story* with almost anything by the Coen brothers. It is rare to find a serious film that is marked with both strains; but that is the case with **Humanité** (Winstar). Written and directed by Bruno Dumont, the Frenchman who made the ostentatiously dismal *Life of Jesus* about small-town youth, *Humanité* is a small move upward socially and a large move inward spiritually. But Dumont spends two hours and twenty-eight minutes wandering between humane inquiry and arty attitudes. Inside this cinematic mix we can discern a drama struggling toward the Dostoevsky plane, a drama that has earned *Humanité* festival prizes and widespread critical hosannas. But after two viewings I enter some reservations.

The setting, as in Dumont's first film, is his birthplace, Bailleul, a dull town in northwest France. At the start Pharaon, a local police superintendent—we'd call him a detective—discovers the body of an eleven-year-old girl who has been raped and strangled. The film ends with the arrest of the criminal.

The story is less a hunt for the criminal than the inner journey of the detective, a man in his thirties, between the opening and the close. Pharaon lives with his mother in a small brick house in a row of such houses. He had a girlfriend and a baby, but they are dead. Now his best friends are a neighboring bus driver, Joseph, and his girlfriend, a factory worker named Domino. Pharaon's personal life consists principally of hanging out with this pair, accompanying them to a restaurant, to a beach, even once watching them in the throes of intercourse. (He is not spying. He simply walks in while it's going on, watches impassively for a bit—Domino knows he is watching but doesn't falter—then leaves.) Pharaon is apparently a man in a condition of emotional stasis, fitfully struggling with it. At the end he is changed.

Synopsized thus, this may sound like a promising précis, and the film itself begins promisingly. The opening shot looks up a grassy slope; a man appears on the crest of the slope and runs across the skyline. Then we are close to him as he crosses a plowed field. Suddenly he falls to the ground, motionless. His eyes are open and still: we might think him stricken dead except for the sound of his breathing. This beginning is strange and strong, even though we do not yet know why he collapsed. Then comes the explanation. What we see next is a close-up of the dead child's vagina, ringed with blood.

The shock of that sight is a signal. Dumont is not merely concerned with harsh fact—a shot of her sprawled naked body would have done that—he wants to declare early on that his quality as an artist privileges him to break convention. That ghastly vagina shot is much less an insistence on the bestiality of the murder than on Dumont's daring.

The film continues in this markedly schizoid way. Recurrently Dumont creates moments of tension and implication—for instance, Pharaon's visit with his chief to the farm home of the dead child's father and grandmother, a sequence made heartbreaking through taciturnity. But the breaches of convention for their own high-handed sake continue throughout, mostly in quite ordinary sequences. For instance, on what is seemingly the day after the murder, we watch Pharaon bicycling through the countryside. That's the sequence. He is not going anywhere of relevance to the story: we merely spend a couple of minutes traveling along with him—a sequence that in no way deepens his character but is there simply because Dumont wants to flout narrative convention.

Sequence after sequence further displays this indulgence. We watch Pharaon merely standing outside his house (the people in this film do a lot of standing outside their houses, perhaps because the weather is hot), we follow him walking, long takes in which we just accompany his walking. Another director might cut to Pharaon at his destination, but Dumont wants to disregard filmic pace and point. His excuse may be that we are to spend time, superficially placid time, with Pharaon in order to immerse ourselves in the man's inner experience. But this osmosis-by-immersion, something that happens with such directors as Antonioni and Jancscó and Bresson, does not happen here because we have not been led cumulatively, empathically, into fertile silence. Dumont evidently believes that if a film is merely slow and if banality is deliberately ladled on, profundity will be assumed by the viewer. With too much of *Humanité*, however, we are left with the manifestos of depth instead of the achievement.

Further such manifestos come from incidents that are left unexplained. For instance, Pharaon goes to England searching for clues about the crime, and while he is talking with two potential witnesses, he sees two men, complete strangers, in the courtyard below fighting fiercely. Relevance? Possibly we are to infer that brutality is inherent in humans—something that doesn't exactly need a warrant at this stage of the film. Then, quite contrary to the unexplained incidents, Dumont inserts some heavy-handed linkages. When Pharaon is working in his garden, a close-up of his hand in the soil reminds us of the soil he lay on near the start. When he visits a local museum, to which he has loaned a painting by a forebear of his, he is, with clunky obviousness, gripped by a painting of a a little girl sitting on the grass. Later, there is an unexpected close-up of Domino's vagina, hardly a subtle reminder of the dead child. I suppose the later shot is meant to suggest the immanence of sexual drives and the violence often related to them—again, italics for the obvious.

Dumont's main theme is the emotional thaw in Pharaon, begun by the child's murder. The detective had apparently been chilled by the deaths of his lover and their baby, and now he is stunned, as shown by his fainting at the start, by the impact of the murder. Breached thus, he begins to be affected by the sexual activity of his two friends, as if the murder had sensitized, or re-sensitized, him. Domino apparently senses the change and offers him sexual play, which he declines. When he does eventually act in a sexual way, it is homoerotic. Three times in the film, and each time with someone in abnormal circumstances, Pharaon nuzzles a man's face sensually. With the last of the three, the confessed murderer, Pharaon not only nuzzles, he kisses the man passionately. Thus eroticism has been reawakened in

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Pharaon by the crime—its horror has actually made him scream a couple of times when he was alone—and the form the awakening takes is homosexual.

But this metamorphosis is only suggested in the film: Dumont is too airily arty to realize it affectingly. The very last shot of the picture caps his egotism. Pharaon is seated in his office after the murderer has confessed. Our view is of his back. We can just barely see that on his left wrist is a handcuff. Does this mean that Pharaon considers himself a criminal, too? If so, why? Or is it out of some misty union, through reawakened sexuality, with the confessed sinner? These questions, Dumont loftily hints, are ones that only philistines would ask. (And let's add one more loftiness. The title of his film.)

Emmanuel Schotte, as Pharaon, supplying the semi-comatose performance that clearly was wanted, portrays what must be the most lethargic superintendent in the history of the French police. His incredibility as a detective—the fact that Pharaon is not a man but a writer's fabrication—is all the more patent in his one short sequence with uniformed policemen. Philippe Tullier is adequately macho as Joseph. The most impressive acting—admittedly the one role in which range and depth are possible—comes from Severine Caneele as Domino. Her features resemble those of the Dutch laborers in early Van Gogh, and she furthers this resemblance with the animality that is her one compensation for her existence.

Humanité had its American premiere at the Film Forum in New York and is scheduled for release in numerous other cities around the country. It is far from ignorable. The theme of the film is moving and grave, and it wriggles to dim visibility despite the film-maker's self-admiring embroidery. Inside the arty Dumont, a true artist is struggling to emerge. Good luck to him. ■

Machine Man

By NICHOLAS LEMANN

American Pharaoh: Mayor Richard J. Daley: His Battle for Chicago and the Nation by Adam Cohen and Elizabeth Taylor

(Little, Brown, 614 pp., $26.95)

ALTHOUGH TWO OF his sons (the Princes of Egypt?) are today very much in their prime as members of the uppermost elite of American politics, Mayor Richard J. Daley of Chicago seems like a figure out of ancient history. He materializes out of the mists of a time when being a high-level elected officeholder did not involve employing the services of a personal trainer or a media consultant. He had no "message" or "theme." He was short and fat and jowly, with slicked-down hair. He was always dressed in a suit. He led election-season torchlight parades of hundreds of thousands of people through the streets of his city. He could not speak eloquently, even after taking "diction lessons through the Northwestern University speech department." He was, unmistakably, proudly, an Irish-American urban Democratic machine politician with a working-class base, a type of which there were many more representatives on the ground in the late nineteenth century than there are today.

The picture of Daley that endures in the minds of non-Chicagoans is that of the intemperate host of the Democratic National Convention in 1968, the man who reacted to the peace movement and the civil rights movement with uncomprehending hostility, and who sent his police force out to beat up protestors and reporters. He looked like the very emblem of a political relic. But now it turns out that most of the people who thought there was something happening here that for Mayor Daley wasn't exactly clear are way out of date, and Daley himself, though long dead, has incredible staying power. Until the very end he was highly popular with Chicago voters. As a dying man, he was re-elected mayor with 735,000 votes, carrying all but two of Chicago's fifty wards. (Anthony Williams was elected mayor of Washington, D.C., in 1998 with 87,000 votes.) And no matter how bad things got in Chicago, and they got pretty bad, the city never died in the way that Detroit and Cleveland and St. Louis died.

The post-Daley period in Chicago politics looked at the time like a great liberation, especially when Harold Washington was mayor; but it now appears to have been merely a confused interruption in Daley rule. Richard M. Daley, the pharaoh's eldest son, has been in office for a decade now, and there is no end in sight. He is also jowly, and he, too, cannot talk. Chicago voters adore him. Daleyism—if that can be defined as a politics that combines a cross-racial, working-class, and lower-middle-class voting majority with the financial support of business—is what every Democrat wants to bottle and to imbibe these days. That is one reason why Bill Daley is now running Al Gore's campaign.

DALEY DOES NOT make an easy subject for biographers. Evidently there are no Daley papers currently available, and even if there were an archive full of them, it would surely not include introspective diaries or chatty letters among its documents. Mayor Daley was not an inner-life guy. He was born in 1902, and lived in the same bungalow-belt neighborhood all his life. He went to Catholic schools, and attended Mass every morning on the way to work, and in his office received visitors impassively, sometimes writing a note on a slip of paper and dropping it into a box. He didn't read books. He didn't go to movies. He didn't have hobbies. He didn't drink. He didn't steal. He had one wife—the only woman he ever dated seriously, and they were together through six years of courtship and thirty-nine of marriage—and probably no mistresses.

Daley presents a blank surface, but he was so important and so active for so long that any biography that aspires to be authoritative has to cover an enormous amount of ground on the subject of Chicago politics, which is unusually intricate. Against these obstacles, Adam Cohen and Elizabeth Taylor have produced a fascinat-

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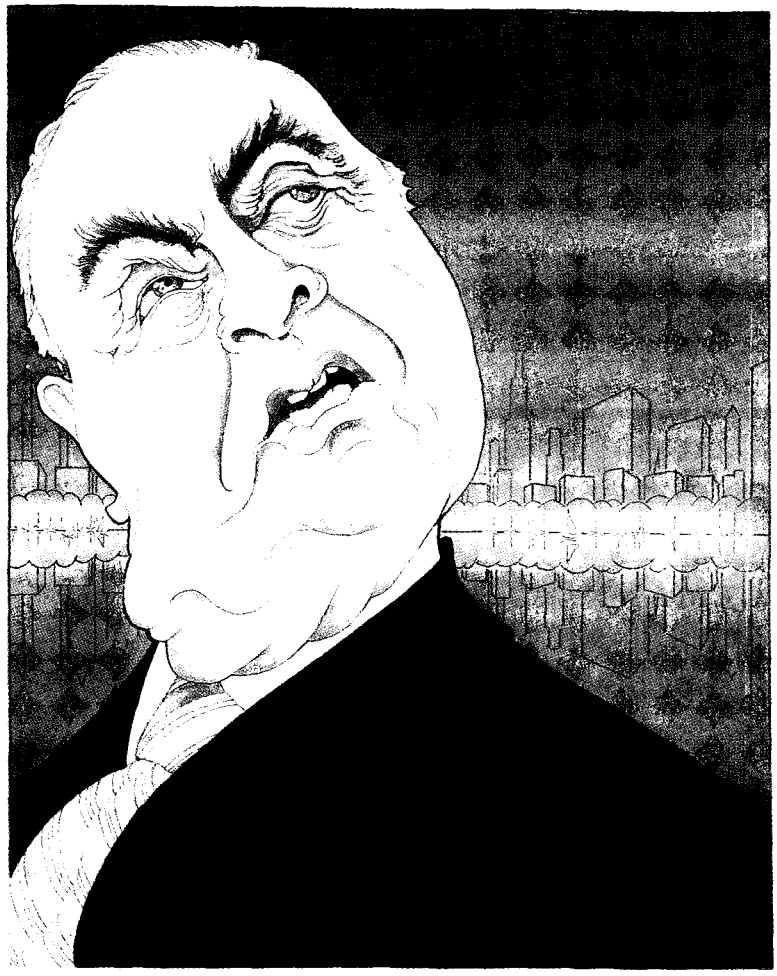
ing and admirably complete biography. It does not have quite the brio of Mike Royko's short, impressionistic *Boss*, which appeared in 1971; and particularly in the second half of their long book, Cohen and Taylor sometimes lapse into recitations of great Chicago events that could have been leavened by more characterization and drama and extraction of meaning. Still, Cohen's and Taylor's book stands as the one indispensable source on Daley, the argument-starter and the argument-settler.

Although it is a facts-forward—rather than a thesis-forward—book, *American Pharoah* accomplishes the odd feat of leaving its readers with a more positive impression of Daley than they probably used to have while also being, page-by-page, quite anti-Daley. (Cohen and Taylor at least implicitly side with Daley's critics in most specific cases.) The reason for this is that Cohen and Taylor have put Daley in context, and for someone with so little evident personality, context is everything. Daley was not some kind of native fascist or a practitioner of a wooly set of "traditional values." He was instead a man who operated all his life according to the basic rules (or perhaps an extreme version of them) that governed Chicago politics.



Richard J. Daley by Vint Lawrence for The New Republic

The Chicago machine, as persuasively presented by Cohen and Taylor, was not animated by an abstract vision of the good. It was animated by a concern with maintaining a vast and tightly run organization, whose purpose was to win elections so as to get control over jobs and money. There are parts of Chicago in which, on the right kind of winter day, you can feel like you are in Eastern Europe, and Mayor Daley could plausibly have been mistaken, certainly in appearance, for the premier of Bulgaria—and the Chicago machine had some of the feeling of a Communist Party apparatus after the belief in Communism itself had faded away. There was a party central committee (whose motto was "good politics is good government"), populated by gray men in baggy suits. Daley presided as its chairman for twelve successive terms—and the party chairmanship was a position, Cohen and Taylor argue, that was probably more important to him than the mayoralty itself.

Every ward had a party chief as well as an alderman (with, again, the former position being more important than the latter, and the same person often holding both). Every ward leader presided over roughly a hundred precincts. Every precinct had a captain. Every captain was responsible for delivering about five hundred votes, which was done through face-to-face contact, favor-trading, and sometimes monetary exchange. Ideology and public-policy argument had nothing to do with it. The precinct captains usually held a municipal job, or even multiple municipal jobs; every ward leader had 250 or 300 jobs at his disposal, and holding down two of them at once was the Chicago version of the American Dream. Any hint of disloyalty or an inability to turn out voters was punishable by unemployment.

In addition to the structure of the machine itself, there was a kind of outer layer of the machine, consisting of allied institutions such as the Mafia (in Chicagoese, "the syndicate"), which operated an elaborate lottery and other businesses under machine protection; and big private companies such as Sears, which hired low-level employees through the machine; and labor unions; and the Catholic Church, whose parish structure and pre-Vatican II ethos of strictness and loyalty paralleled the operating principles of the machine. In all, the machine in its heyday controlled close to 50,000 jobs in Chicago, which is to say, a significant part of the employment base. It was bigger than most Fortune 500 companies.

The machine regularly produced horror stories involving vote fraud, featherbedding, thievery, and violence. It produced comic stories, too. Bill Daley, when he was 25 years old, evidently persuaded a former state insurance examiner to fill out the essay questions for him on his state insurance exam, and got caught—and he is supposed to be the brains of the Daley family. But it would be a big mistake, one made by several generations of Chicago liberals, to underestimate the subtlety and the sophistication of the machine. Its operation required constant fine-grained decisions about whom to "slate" (put on the Democratic ticket) and whom to "trim" (support less than wholeheartedly) and where to place resources and where not to place them—and never mind that the people making these decisions said "dese" and "dose" and couldn't pass standardized tests.

The machine was closer to the former Yugoslavia than to the present Serbia in its ability to accommodate the interests of a wide range of ethnic groups that did not get along. You probably would not have found Mayor Daley among the honored guests at a New Republic anniversary dinner in the 1950s and 1960s, but you certainly would have found Paul Douglas and Adlai Stevenson, liberal gods from Illinois whose high positions, as Cohen and Taylor make clear, were entirely dispensations from Daley. (Daley was particularly willing to confer seats in the U.S. Senate on tony liberals because it lent the machine a touch of class for the national audience, and because, from the machine point of view, being a Senator was far less important than, say, being the head of the city

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Department of Streets and Sanitation, since so few jobs went with it.)

Mayor Daley was a pure product of this world. He was notable for his unusual rectitude and his mental agility, but not for questioning any of the fundamental assumptions. The grandson of refugees from the Potato Famine, the son of a sheet-metal worker, an only child, he grew up inside a tight web of strict organizations: church, neighborhood, union, party. From adolescence he displayed a high degree of the bureaucratic skill that was always sorely needed in his subculture. He served fifteen years as president of the Hamburg Athletic Club, a neighborhood institution that was part fraternity, part gang, part farm team for the Democratic Party in the 11th Ward. He attended law school at night for eleven years. At the age of 34, already a long-serving soldier for the machine, he was elected to the state legislature, and he held down a second machine job as deputy comptroller of Cook County. At 45, after many years of waiting, he finally got a real prize, the 11th Ward's seat on the Democratic Party Central Committee. A few years later, he became county clerk; and a few years after that, first vice chairman of the central committee; and then chairman; and finally, in 1955, at the age of fifty-three, he became mayor.

BY MACHINE STANDARDS, it was a meteoric rise. And Daley represented the better element within the machine. He was educated, honest, young, and willing to use figures such as Douglas and Stevenson to lend luster to the party. Although he certainly did not cavil at graft, he seems to have regarded it as a means to the end of a greater Chicago rather than as an end in itself. His overarching idea, to the extent that he had one, was an instinctive version of 1950s pluralism: each element within Chicago would aggressively pursue its own interest, but all the elements would come together at the bargaining table and negotiate in good faith in order to do what was best for Chicago, which was defined in terms of cleanliness, orderliness, the building of great public works, and economic prosperity.

To accomplish those things, in Daley's view, required keeping the machine as strong as possible. The forces of reform—with two main branches, the Republicans who controlled downstate politics and the *Chicago Tribune*, and the self-righteous but ineffectual "lakefront liberals"—had to be kept at bay, lest they institute merit hiring and strip the machine of the patronage that was its oxygen. Ethnic groups had to remain in their neighborhoods and follow the leaders whom Daley had designated for them. Ward organizations had to obey the central committee utterly, and to deliver their votes.

Daley became one of the half-dozen most powerful people in the Democratic Party, a man assiduously courted not just by Adlai Stevenson but by all the Democratic presidents and presidential aspirants of his day; but he used his power in a proudly, defiantly provincial way. As Cohen and Taylor show, in the days when Daley had a lot of influence on the Democratic nominations for president, he made his judgments not according to the candidates' stands on great issues, but according to how much he thought they would help the down-ballot Democrats running for jobs such as clerk and sheriff in Cook County. Lyndon Johnson's White House taping system once caught Daley trying to sell LBJ a candidate for appointment as U.S. Attorney in Chicago, and the clincher in his pitch was, "Mr. President, let me say with great honor and pride, he's a precinct captain!"

As mayor, Daley swiftly built O'Hare Airport, and presided over the construction of the first new office towers in the Loop since the Great Depression, and made John F. Kennedy president (Kennedy got 89.3 per cent of the vote in Chicago in 1960), and won the admiration of previously machine-hating Republican businessmen; and so it was not long in his mayoralty before he seemed to be sitting atop a benign and trouble-free system. Queen Elizabeth II paid him a state visit. What ruined the serenity of his reign was not his notorious interaction with antiwar protestors. Daley was against the war himself. (His reason for this view was his reason for all his views: he thought that the war would weaken the machine. "Mr. President," he told Johnson in 1966, "when you've got a losing hand in poker, you just throw in your cards.") Anyway, the protestors were not a continuing force in Chicago politics. What troubled the waters, rather, was the massive black migration from the South to Chicago.

DALEY KNEW ABOUT this, of course. In 1919, Chicago had a major race riot, which he probably witnessed and may have participated in when he was a teenager. Moreover, the race issue had already been a central factor in machine politics and mayoral selection for at least ten years before Daley took over City Hall. But Daley missed the dimension of the migration: between 1956 and 1964, Illinois went from having 200,000 to 500,000 registered black voters. He also misjudged the capability of his customary method of operation to handle it.

Chicago had a black "submachine" (Cohen's and Taylor's term) headed by a South Side congressman named William

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Dawson, and it turned out staggering majorities for the Democratic Party. Daley's idea was that as blacks moved to Chicago, they would move into the existing black neighborhoods, where they would fall under the control of Dawson's submachine—or, if they moved to the West Side, under the control of the local organizations of the mostly Jewish ward bosses there. Everybody would get something out of the deal. The machine as a whole would get more voters, the bosses in the black neighborhoods would get more patronage, the "policy kings" (that is, the operators of illegal lotteries) would get customers and kick back money in return for protection, and the migrants themselves would get jobs and government services.

The plan didn't work, because the migration was so enormous, and because the issue of race carries much more charge than, say, the question of relations between German-Americans and Czech-Americans. The physical manifestation of Daley's view of how to handle the migration is the "State Street corridor" south of the Loop: 40,000 black people living in high-rise housing projects lined up at the edge of the traditional Black Belt, then the twelve-lane Dan Ryan Expressway (all of this built with the federal money that Daley was so good at getting), and then white Chicago. The projects were just about the worst place to live in America, especially in terms of safety, and now they are being torn down; they are one of the only true, pure examples of a failed government program. The failure was much more Daley's fault than the fault of liberal bureaucrats in Washington. The projects did not even accomplish their intended purpose of containment, since black Chicagoans who made some money consistently wanted to move out of the Black Belt, so the old neighborhood patterns inevitably changed. They changed quite a lot.

WHAT DALEY ESPECIALLY did not grasp was the liberal-moralist dimension of racial politics in the 1960s. When Jesse Jackson arrived in Chicago in 1964, he had a letter of introduction from the governor of North Carolina that got him an audience with Daley; Daley offered him a job as a toll taker, and evidently he didn't understand why the offer was not appealing. All through the Great Society period, Daley crippled a series of federal efforts to deal with racial problems in Chicago without going through the machine. He tried to turn the local War on Poverty into a machine operation. When the federal office of education cut the funding of the Chicago school system on the grounds that it was segregated, he arranged to have the money restored and the assistant of secretary of education who was behind the challenge to his authority fired.

The civil rights movement was completely at odds with Daley's view of the world. Why would people who wanted to change government policy try to do so through means other than running for office? When Martin Luther King Jr. picked Chicago as the site for the movement's move north, Daley mobilized a large network of machine-controlled, pro-segregation black ministers to oppose him; and when that didn't work he engaged King directly in a long, complicated chess match that Cohen and Taylor judge him to have won. Daley was much too smart to deal with the movement in the crude manner of George Wallace (and, unlike Wallace, he had the advantage of controlling the judges in his jurisdiction). He set up commissions, went to meetings, proclaimed his support, and finally signed a peace treaty with King that was meant to chip away at the fortress of residential segregation, after which King went home to Atlanta. The net political result was that although Chicago's first ever anti-machine black political organization began to come into being, the machine retained the loyalty of most black Chicago voters. It was white voters, in fact, who began to defect.

Yet the race issue seems to have embittered Daley, to have changed him from a peaceful control freak into an angry control freak. He would have little outbursts of rage against King. ("He only comes here for one reason . . . and that is to cause trouble.") He would ask friends why blacks couldn't be more like the Irish. During the riots after King's assassination, Daley infamously remarked at a press conference that he had advised the police to "shoot to kill" arsonists and to "shoot to maim or cripple" looters. In 1969, the Chicago police burst into a Black Panther apartment on the West Side in the middle of the night and murdered two young men.

COHEN AND TAYLOR correctly identify an obsessive need to exercise sole and certain power as the key to Daley. Of one of the many seekers of his blessing in a presidential campaign, they write astutely that "Bobby Kennedy was complex and evolving, two qualities Daley did not particularly admire in a politician." When he was no longer able to spin out events in just the way he wanted, a self-pitying or even paranoid side sometimes came to the fore. During the riots, in a particularly rattled moment, he offered this Hieronymous Bosch explanation of what was going on: "The conditions of April 5 in the schools were indescribable. The beating of girls, the slashing of teachers and the general turmoil and the payoffs and the extortions. We have to face up to this situation with discipline." This was the Daley to whom disorder was hell and hell was disorder, the Daley whom the world saw on display at the 1968 convention.

The misdeeds of the machine form a kind of obbligato in the background of Cohen's and Taylor's book. The investigative units of newspapers and Republican U.S. attorneys found the Democratic Party in Chicago to be an inexhaustible well of material. The construction of the Robert Taylor Homes, probably the worst of the Chicago housing projects, was so gold-plated that a licensed electrician was required on-site every time a refrigerator was plugged in. Reformist poll watchers were regularly threatened and beaten; the machine even poisoned one reformer's dog. Money from federal programs was siphoned into the hands of Daley cronies who operated law firms and insurance agencies, which did little or no work (for the federal government, that is) in return. Flagrantly unqualified people were put into important jobs. (A man named Ed Quigley, who had been sewer commissioner, admitted that he had never worked in that field, "but many's the time I lifted a lid to see if they were flowing.") Indictments and convictions were continuous, and the police were awful. Finally, in two Chicago cases in the 1970s, the Supreme Court stepped in and ruled the hiring and firing of municipal workers on the basis of their political affiliation to be unconstitutional.

Cohen and Taylor are generous with such anecdotes, but they do not really dispute the idea that in Daley's Chicago city government worked. Daley's electoral popularity cannot entirely be accounted for through fraud, bribery, and intimidation. People in Chicago liked him, and the people who did not like him, the liberal reformers, nearly always lost. ("The type of people you have over there don't need a job as a bailiff," one alderman said by way of explanation.) *American Pharaoh* is not a book with an editorializing tone, but in most instances, such as the case of Daley versus the civil rights movement, it is quite clear where Cohen's and Taylor's sympathies lie. In the case of Daley versus reform, however, it is difficult to tell. What would have happened in Chicago if the machine had lost power? To what extent does the present Mayor Daley, the relatively non-confrontational Richard M. Daley, have at his disposal the political apparatus that served his confrontational father? I wish that Cohen and Taylor had adjudicated these matters for us. Without analyzing them, it is difficult to figure out what we should think about Daley today,

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other than finding him to have been a mesmerizingly bland figure from a colorful past.

Today the machine that controls politics, nationally at least, is television. Most of our big scandals involve misdeeds done in the pursuit of contributions meant to pay for TV advertising, because that is how elections are won. The language of politics is advertising slogans, rather than the promise of jobs and favors. We do not pay much attention to government, and we do not trust it or think of it as centrally important to the life of the country. We think of people who devote their lives to it as a little peculiar. We certainly do not like politicians or interest groups, which were Mayor Daley's lifeblood. One can't quite say that the reformers have won—John McCain's calls for reform have been the most electric element in this year's presidential campaign so far—but the reform notion that government should be limited in scope, that it should take on essential tasks and accomplish them and then go away, that it should cease to be a big, benign, ongoing presence in daily life, is the country's ideal now. And it has fallen to Mayor Daley's last child to figure out how to persuade Americans, in this climate, that they should not want as their president a man who has spent far less time in government, and supervised the disposition of far fewer jobs, dollars, and programs, than any self-respecting Chicago alderman. ■

Original Positions

By DAVID NOVAK

The Jewish Political Tradition: Volume I: Authority edited by Michael Walzer, Menachem Lorberbaum, and Noam J. Zohar co-edited by Yair Lorberbaum

(Yale University Press, 555 pp., $35)

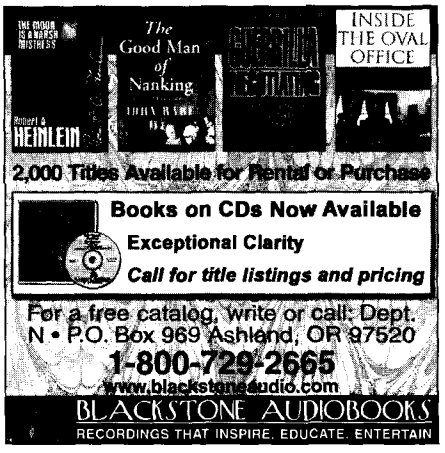
I.

THE JEWISH POLITICAL TRADITION is one of the most ambitious Jewish intellectual efforts of recent years. Even in a time in which there is no lack of books in English about Jews and Judaism, and of books dealing with the most important social and cultural issues of our age from a Jewish perspective, this book is quite novel—and on a grand scale. Its aim is to think politically about Judaism and to think Jewishly about politics; and this is quite an ambition, since it is by no means certain that a political view of Judaism and a Jewish view of politics may comport easily together. As Clifford Orwin, a contributor to this volume, observes about the ancient Jewish historian Josephus, but clearly with his fellow contributors in mind: "he raises the broader question of whether the Jewish way of life can ever be adequately justified with arguments borrowed from the gentiles."

Virtually all of the other contributors could be seen as attempting to get out from under such skepticism, or even fatalism, about their project. Still, whatever the success of the proposed correlation of Judaism and the vocabulary of modern political theory, the effort itself is enormously impressive and highly suggestive. Even readers who will not be persuaded by the synthesis that is exemplified by this extraordinary book will probably want the conversation to continue. (The book takes open-ended discussion as one of the founding principles of the Jewish tradition.) Very few of them, I think, will judge the project itself to be futile. And those who believe that a new Jewish political theory is required by the radical changes in the political situation of the Jews in modernity, and especially after 1945, will eagerly welcome the enterprise.

The book attempts to do something much more complex than any similar book about a major aspect of the Jewish tradition has yet done. Other books on a similar subject might present excerpts from recognizably Jewish literature in chrono-

DAVID NOVAK teaches Jewish studies at the University of Toronto and is the author, most recently, of *Covenental Rights: A Study in Jewish Political Theory* (Princeton University Press).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logical order, interspersed with some historical background as commentary. Or they might present excerpts from the sources as the definitive Jewish answers to the questions with which those sources deal, with commentary that simply clarifies a point of view that the author (or authors) assumes to be fully conclusive. In contrast to books of the historical type, however, *The Jewish Political Tradition* presents a large variety of older Jewish texts in conceptual order rather than in chronological order, interspersing them with brief, pointed commentaries, almost all of which are written by some leading political theorists. The very choice of a conceptual arrangement rather than a chronological arrangement shows that the commentators on the primary texts are committed to a philosophical engagement *with* them and not a more distant view *about* them. Indeed, all the commentators are Jews who seem to have a commitment to Judaism in one form or another. Thus the book begins with the issue of revelation and concludes with the issue of the Jewishness of the state of Israel, moving from more theoretical issues to more practical ones. The primacy of the classical texts makes the book much more than a collection of essays on a common theme. The commentaries make it more than an anthology.

Even though certain historical points have to be made for the sake of intelligibility, the purpose of the book is philosophical analysis, not historical instruction. The commentators are all concerned with the truth in the texts, and not just what the texts themselves mean. Most admirably, and in contrast with the type of endeavor that seeks to give "the Jewish view on . . . ," this volume presents critical struggles with the texts. It is not meant to be devotional, except insofar as struggling with a tradition is a way of being devoted to it. As Michael Walzer clearly stipulates in his introduction, "we want to join the arguments that have characterized the tradition and carry them forward." The commentators are neither obscurantists, who treat Judaism as if it were dead, nor apologists, who treat Judaism as if it were self-evident. Their work is more purposeful than that of obscurantists, and more subtle than that of apologists. They respect their classical texts by treating them as living and difficult, not as dead and easy.

Secular readers of the book might find it overly theological. But how could a self-consciously Jewish project not become theological, sooner or later? When one begins with classical Jewish texts, engagement with them has to become theological. As Spinoza (the first Jewish secularist, who appears in the book despite his official departure from the Jewish community) grasped so well, in Judaism theology is done politically and politics is done theologically. The only alternative would be to compose a tendentious book along the dubiously Jewish lines of much of contemporary Jewish liberalism or neoconservatism.

II.

THE FUNDAMENTAL ISSUE that confronts the Jewish political tradition, and *The Jewish Political Tradition*, is the relation of revelation and reason in the area of morality and political authority. As Walzer puts it, "We begin with *Authority* because the tradition itself begins with God's authority . . . Exactly how much room there is for human authority and decision making is always a question." In other words, how can Jews reconcile what they have been taught by the Jewish tradition's presentation of ideas and experiences taken to be directly from God, and what they learn through the direct exercise of our own reason? The relation of these two ways of knowing is especially significant in the realm of social ethics, because so much of revelation and its tradition deals with the same normative questions that are the subject of politics, that is, politics taken in the Aristotelian sense of the word: the full ordering of human life together in society.

The predilection of the volume's commentators, even those who are the most traditionalist in their personal commitments, is to make as large a place as possible in Jewish political discourse for reason. This predilection, not surprisingly, influences the selection of the classical texts for discussion. Virtually all of those texts are taken either from the medieval rationalist tradition or from the biblical and rabbinic sources favored by that tradition. There is little or no mention of those numerous sources that seem to assert that without the total hegemony of revelation, Jews (or anyone else) are condemned to savagery. For this reason, several of the commentators express sharp disagreement with the view of the Israeli religious philosopher Yeshayahu Leibowitz, who argued ferociously that religious duties can have no other ground than obedience to the will of God, without any assertion that one has been persuaded to keep God's law because it is rational. (There is much more sympathy in these pages for Leibowitz's views about the dangers of state-supported religion or a religiously sanctioned state, especially in Israel.)

The selective method of presenting the texts is quite reasonable. Philosophically oriented commentators certainly do have to be prejudiced in favor of one strand of the tradition over others, because the normative orientation of political philosophy itself has to make theoretical choices in the very questions about which it offers guidance to people in their practical choices. Nobody can coherently retrieve all of a moral tradition, at least not simultaneously, since the tradition itself is profoundly divided on major issues. As the great German Jewish philosopher Hermann Cohen rightly warned, one cannot approach the sources of the tradition philosophically without concepts already in hand. The commentators here have rightly heeded that warning. Accordingly, it gives them that philosophical credibility that a normative indifference, or a purely historical attitude, would belie.

The most noteworthy commentary in this connection is by Hilary Putnam. The choice of the editors to begin their book with this issue, and their choice of Putnam as the chief commentator, are both important. Before we get to actual political issues, we must begin with the metaphysical issue of the ultimate sources of authority. Without it, we could not really enter the classical Jewish discussions of politics, so many of which are based on metaphysical assumptions, and frequently ignore the public policy issues within which so much modern discussion seems to be confined. That is why Putnam is important for this task, being a philosopher who has worked in metaphysics and the theory of knowledge—which many would consider deeper than (and even dangerous to) politics, but to which politics must refer sooner or later in order to be intellectually credible. A philosophy of politics must deal with the question of truth and not only with the question of utility.

Putnam comments on classical texts by Saadiah Gaon, Judah Halevi, Maimonides, and Joseph Albo, medieval Jewish thinkers who incorporated much philosophy into their theologies, especially into their theologies of the Law. Basically, all these thinkers built on the Talmudic distinction between duties owed directly to God (what we would today call "ritual" or "religious") and duties owed directly to other humans and only ultimately to God (what we would today call "moral," and what premoderns called "political"). Moral or political duties are seen by these thinkers (with some specific differences, to be sure) as basically known by "rational inclination," a point held in common by Islamic, Jewish, and Christian thinkers who affirm natural law (by whatever name their traditions gave it).

The central Talmudic text for all these Jewish rationalists is the one that pre-

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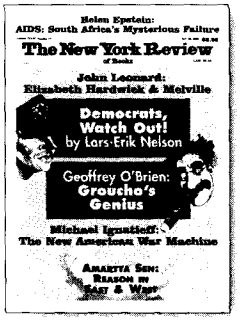

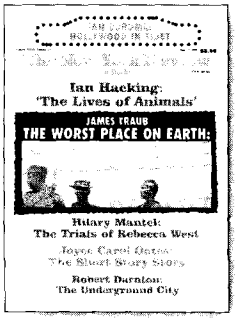

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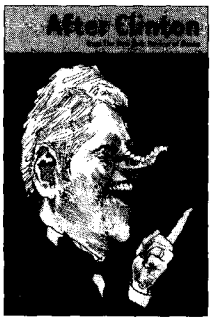

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cedes their speculations in the order of the book. In full, it reads:

> Our Rabbis taught: "You shall follow my ordinances (Leviticus 18:4)— [this refers to] things which, had they not been laid down, ought to have been laid down, such as: idolatry, bloodshed, robbery, and blasphemy. . . . And keep my edicts—[this refers to] things which Satan and the nations disparage such as: [not] eating pork, . . . the purification of the leper, and the he-goat sent into the wilderness. You might think these are senseless deeds; therefore it is written, "I am the Lord"—I, the Lord, have issued these edicts; you have no permission to doubt them.

Now, as a footnote to this text points out, when speaking of the "ordinances," or *mishpatim*, a term derived from *mishpat*, or the biblical word for "justice," "This list corresponds to the bulk of the Noahide laws, which the Rabbis defined as binding on all humanity." (According to the tradition, there are seven Noahide laws: the obligation of every society to engage in due process of law; the prohibition of blasphemy; and of idolatry; and of killing innocent human life; and of sexual acts such as incest, adultery, and homosexuality; and of robbery; and of tearing a limb off a living animal for food.)

The question is why these laws are taken to be universally valid. Two schools of thought have emerged in Judaism, in answer to this most basic question. The first school considers all law to be direct divine commandment, and so the laws that the nations accept are assumed to be derived from Judaism. The second school sees these universal laws to be discoverable by universal human reason; and, whereas most of the adherents of this school would ultimately see all of the commandments of the Torah to have universally valid reasons, surely the laws in which there is virtual unanimity between the Jewish tradition and most gentile traditions have the most immediately knowable rationality. The contributors to *The Jewish Political Tradition*, obviously, and certainly the commentators in the section tellingly called "Natural Law, Reason, and Revelation," are adherents of this second school. Indeed, the denial of natural law in Judaism by adherents of the first school makes any Jewish political philosophy (as opposed to Jewish political theology) impossible.

"Had they [the so-called rational commandments] not been laid down, [they] ought to have been laid down": this is the heart of the Talmudic passage. This particular translation, unlike the vast majority of the others in the book, is very awkward. A better and clearer translation would have been: "Even had they not been written in the Torah, they ought to have been written." The point about writing needs to be made literally, because it might very well suggest that reason is more within the purview of the Oral Torah of the rabbis than within the Written Torah of the prophets. The human element is much more prominent in the Oral Torah than it is in the Written Torah, most of which consists of God talking and Moses listening and transmitting the revelation to the people to obey. In the Oral Torah, conversely, there is much more rational persuasion at work.

Revelation does not initiate these moral duties as much as it confirms them intact, and then elevates them into the covenantal relationship between God and Israel. But more immediately religious duties require divine revelation to a particular community in history, in the view of the classical authorities. The perplexity is that moral and political duties have religious implications, and religious duties have moral and political implications. Thus, for example, the Sabbath primarily celebrates the creator God, but also implies the issue of labor and leisure; the prohibition of murder primarily concerns the protection of human life, but also implies the unique connection of humans to God.

So what is the proper relation between the realm of ritual and the realm of reason? There could be no more basic question in any Jewish theology of the Law. There are several ways in which Putnam could have approached this question. He could have approached it, for example, the way Leo Strauss did. (The absence of Strauss's voice in this book is surprising, considering his profound concern with the Jewish political tradition throughout his career.) Strauss saw a parallel between the relation of reason and revelation in Jewish thought and the relation of politics and metaphysics in Plato's thought. Just as Plato saw a well- and justly-ordered society as being the necessary political setting for those capable of philosophical reflection on the higher divine realm to conduct their discourse, so one could see the medieval Jewish rationalists as teaching that a certain level of moral and political excellence is necessary for prophecy and the divine issues that it involves. Here we have a relation between political reason and revelation in which each needs the other, but without each being reduced to the other. But Putnam does not follow this route, since it is clear that revelation plays no authoritative role in his thinking. (He refers to the mistakes of "the human authors of the Bible," and speaks of "what they take to be revelation.")

Or Putnam could have approached the question of revelation and reason the way Hermann Cohen did. Cohen construed revelation to be a form of reason, seeing the prophets as philosophers in the way that Plato was a philosopher. Since, for Cohen, reason at its most exalted level is practical (that is, ethical) reason, the specifically religious content of the Jewish tradition (formerly seen as superior to ethics) is taken to be what is required for an ethical society to have cultural content. (The adequacy of Cohen's reading of the Jewish tradition is astutely questioned in the book by Susan Neiman.) In this way, Cohen answered the question raised by Walzer in introducing this section of the book: "Why bother with a historical narrative if all one needs is a philosophical argument?"

But Putnam does not follow this route either, since it is clear that he does not have the exalted view of reason that inspired Cohen, and also Kant, Cohen's main philosophical influence. This becomes clear in Putnam's invocation of two philosophers with whom he ardently agrees, John Dewey and John Rawls. From Dewey, Putnam learns that no form of human reason (including what others take to be revelation) "can be free of error." That being the case, Judaism cannot be taken as a fully satisfying rational construction and, accordingly, it should not be the basis for political authority. From Rawls, Putnam learns that in order for humans to be anything more than "merely successful social animals," there must be the precondition of a "well-ordered society." Yet unlike the classical Jewish theologians—and unlike Plato—Rawls has no conception of the super-political good toward which humans are to aspire. Instead, there is only a variety of goods, which turn out to be nothing more than the desires of each individual in society. The social preconditions turn out to be only what maximizes my ability to pursue my own private "life plan," which could be anything from playing golf to contemplating God.

In other words, if practical reason can be authoritative for the classical Jewish thinkers whom Putnam engages here, it is because practical reason is the precondition for the final apprehension of theoretical truth. Thus even Jewish ethics as embodied in the Law—what Jews call *halakhah*—is taken by the classical thinkers to be true, and their task is to discover the correct reasons for each one of its precepts. This is an ideal, of course, inasmuch as no one has provided compelling reasons for all the laws of Judaism, and yet one is always to assume, as the Talmud put it, that "when the Torah is empty, the emptiness is yours." But this is not what Putnam

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can do along with them, since he somewhat blithely rejects the traditional "attitudes and legislation concerning women, ... gays, and so on."

Since Putnam and many of his co-contributors assume, along with what he takes to be all the non-orthodox forms of Judaism, that even the ritual commandments are not "directly commanded by God," one must question just where the Jewish relationship with God lies (the theological factor), and how it is authoritative for the Jewish people (the political factor). Putnam's answer seems to be that we accept those rituals that are "a way of shaping a particular religious sensibility." I assume he would also say that we accept those aspects of traditional Jewish law that are a way of shaping a particular moral sensibility.

It would have been very helpful if Putnam had told us, even without argumentation, what these "sensibilities" are, and why they are authoritative for our relationship with other humans and our relationship with God. Perhaps what Putnam means by this sensibility is the type of contractual liberalism exemplified by Rawls. Thus morals could be what a group of Jews agree that they need to be bound by, in order to function as a coherent community; and theology could be what a group of Jews agree they need to be related to, insofar as they can be related to something that transcends the group.

This is mere conjecture on my part. But surely such disagreements with the classical Jewish thinkers under discussion are more than a matter of taste. And this is one of the problems with this book. Many of the commentators do not really apprise us of their philosophical commitments or argue for them, as do the classical thinkers upon whose work they are animadverting. Too often "sensibility" is all that we have to go on, and it is too frail a category to support so serious an enterprise.

III.

THIS BOOK WAS conceived not least as a guide to the perplexed of contemporary Jewry especially regarding two great political problems facing Jews today: the justification for Jews to participate as citizens in a modern nation-state, and the political character of the Jewish state of Israel. The first question has been discussed since the late eighteenth century, with the beginning of the emancipation of European Jewry from their extra-political status in the Ghetto. It has largely been solved by invoking the ancient Jewish principle *dina de-malkhuta dina*, "the law of the state is the law," that is, in areas of civil and criminal jurisdiction. There have been differences in the application of this principle from the time when the state dealt with Jews as a foreign corporate entity to the time when the state deals with Jews as individuals who are its own constituents. Still, the Jewish tradition has long been able to guide Jews politically whenever and wherever they live as a minority in a polity not under their own control.

This book presents some central texts that grapple with this challenge. One of those texts is from the period of the Geonim, the post-Talmudic legal authorities who flourished between the sixth and eleventh centuries in Babylonia (which was the most powerful and populous Jewish community at that time):

> This is the import of Shmu'el's dictum [*dina de-malkhuta dina*]: that just as God established the rule of the kingdoms in His world, He also subjected people's property to the rule [of these kingdoms] according to their will. [This applies] even to Israel, as it is written "[On account of our sins, [the Land of Israel] yields its abundant crops to kings whom you have set over us]. They rule over our bodies and our beasts as they please" (Nehemiah 9:37).

There is also another text that emphasizes the point that the rule of all human authorities stems from the consent of the governed. In the eleventh century in northern France, the exegete Samuel ben Meir (known by his acronym "Rashbam") noted about the Talmudic source of the principle of *dina de-malkhuta dina* that "all taxes, rates, and rules of kings' law commonly established in their kingdoms are law, for all the subjects of a kingdom willingly accept the king's law and statutes. Therefore they are perfectly valid law."

From these two texts we may derive Jewish precedents for two fundamental principles of any constitutional democracy: the consent of the governed to be governed, and the due process of law. Ironically, in the case of the consent of the governed, the Jews in the Middle Ages, being a separate national entity, had more consent to their being governed by non-Jewish kings than did the gentiles who were individual subjects of these kings, whose status was often that of serfs. In order for the Jews to be able to live in any kingdom, there had to be a freely negotiated agreement between the ruler and the ruled. The gentile subjects of the king, by contrast, had no such choice (a point not really disputed in Christian Europe until the regicide of Charles I in 1642, whose Puritan opponents disputed his "divine right of kingship" mostly using sources from the Hebrew—that is, the Jewish—Bible).

In other words, there had to be the kind of "social contract" that later became the concern of political philosophers such as Hobbes, Locke, and Rousseau—and in our own time, Rawls. Unlike those later philosophies, however, the contract between the ruler and the ruled that was discussed by these classical Jewish thinkers was a contract between a ruler already ruling and a real community already constituted by its own revelation and tradition. It was not a contract between hypothetical individuals in a hypothetical "state of nature" (or an "original position," in Rawls's terms) and a ruler subsequently elected by them.

As for the due process of law, this meant that Jews could not very well enter into such a social contract in good faith with a regime that did not have its own law already in place, as opposed to a regime where the law was identical with the arbitrary decrees of the present ruler. Of course, Jews often had to make less savory arrangements with all sorts of lawless sovereigns (who were frequently little more than thugs) for the sake of their survival. Experience taught them that they had to confront arbitrary systems of power in a pragmatic way. Yet there was a considerable difference in Jewish attitudes toward essentially lawful regimes in both word and deed, which could make a moral claim upon them, and regimes that were less

East End

1.
Wetness
like the slick of sleep
still covers. Cat blurs in.
Gulls scour
the empty reaches.
Sun's brilliance
through thin cloud hem.

2.
Gulls tilting in the small waves.
Wind skirl through the rigging of a beached boat.
These scruffy bay beaches.
Suddenly sky darkens.
Wind comes up like a car.
I stay out for the pleasure
of the first rain.

Harvey Shapiro

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than lawful, and could not make a moral claim upon them.

BUT WHAT ARE Jews to do as Jews in a polity in which they are the majority and in which they are in control, in the polity that is located in their ancestral homeland? This is the most important political question facing the Jewish people today. Wisely, the book makes the discussion of this question its finale—demonstrating also that *The Jewish Political Tradition* is not only about politics and Judaism, but is also a Jewish political book.

Israel is a state without a constitution; and in contemporary Jewish political discourse the only real non-Jewish candidate for the constitution of the State of Israel is Western constitutional democracy. This is understandable. Outside of Israel, Jews have been able to flourish (let alone to survive collectively or individually) only in democratic states. The only real modern alternatives, fascism and communism, have been very bad for Jews and for Judaism. It stands to reason that since Israeli Jews have all come from the diaspora at one time or another, they would bring with them their good experiences and their bad ones. Since their only good experiences have been with Judaism and with democracy, the burning question is whether a Jewish state can be both Jewish and democratic. Or does a choice have to be made between those attainments? Can Judaism justify a form of government by and for Jews that is not subject to all its traditional legal institutions, or can a democracy be essentially and not just accidentally Jewish? In Israel, the question is frequently raised as to whether the country is a Jewish state (*medinah yehudit*) or only a state of Jews (*medinat yehudim*).

To prepare us for the possibility of Judaism being able to justify a form of government of Jews for Jews, this book presents early on the extraordinary concession in that direction made by Nissim Gerondi, a great Jewish jurist and exegete who lived in Christian Spain in the middle of the fourteenth century. In a famous homily, he observed that

> the purpose of the magistrates and the Sanhedrin, by contrast [to the king], was to judge the people in accordance with true and intrinsically just law, which will effect the cleaving of the Divine [*inyan elohi*] unto us, whether or not the ordering of the multitude's affairs has been perfected. That is why some of the laws and procedures of the [gentile] nations may be more effective in enhancing political order than some of the Torah's laws.

As Menachem Lorberbaum notes on this text, "Gerondi's statement on politics brings to a climax a long tradition that places politics alongside, indeed outside, divine law."

The historical context for Gerondi's pronouncement must not be overlooked. He lived in a time and a place in which Jews enjoyed an extraordinary amount of political autonomy, which extended even to criminal law. This autonomy, of course, was still within the context of the larger Christian polity by whose sufferance the Jews lived in the country; but the Christian rulers expected the Jews to govern themselves well. As such, their law had to be up to this political challenge.

In a series of lengthy discourses devoted to kingship—*the* medieval political question—the most important of which is presented here in the book, Gerondi made the point that in ancient Israel there were two parallel systems of law governing the people: the law of the Torah as interpreted by the Talmud, and the law of the king. He suggested that in those areas of political life where it seems the strict Torah law is either mute or would lead to political havoc, the king had the right and the power to rule as he saw fit for the overall good of the polity and its proper order. And following the sixteenth century Spanish Jewish thinker and statesman Isaac Abravanel, who also appears in the book, one need not restrict Jewish self-government to the conditions of monarchy. Other forms of government might also function as this substitute for or supplement to traditional Jewish law in a Jewish polity.

AND SO WE have an opening in the Jewish political tradition for considering a Jewish justification of a Jewish democracy. The question then is, is it possible, and if so, how? Some of the volume's commentators point out, quite rightly in the light of the twentieth-century experience with totalitarian tyranny, that Gerondi and those who think like him are silent or vague about the constraints on this type of royal authority. The primary and secondary texts in the book comprise an excellent source for enlivening the discussion on the issue, and from this discussion four options emerge.

The most radical opinion on the right is that the only Jewish state worthy of the support of Jews is one that is totally governed by Torah law. Any other Jewish state, such as the democratic State of Israel here and now, is rejected for being opposed to Torah law. This explains the continuing anti-Zionism of some of those we call "ultra-Orthodox" or *haredi* (literally, those who shake for God). The modern German-Jewish thinker Isaac Breuer almost takes this position, although he later came to see the state of Israel as providing the opportunity for an eventual theocracy. With impressive legal and philosophical conceptuality, Breuer states:

> For Judaism the idea of the law is wholly transcendental. Law is not made by the nation, but law makes the nation. . . . The *law of God* must be revealed to the nation. In the national experience of this revelation absolute nationalism vanishes into nothingness and there appears that relative nationalism for which the revealed law is the sole supreme value, and service to such law becomes the life-destiny of a nation.

The most radical opinion on the left is that Israel, if it is to be a democratic state, ought not look to Judaism for its rationale, for a Jewish state will perforce be a racist state. This is the position taken in the book by Joseph Raz; and the position of Aharon Barak, the present chief justice of Israel's supreme court, is very close to that of Raz. Barak is willing to acknowledge the Jewish sources only of "those universal values common to the members of a democratic society."

Between these radical options, we find two other positions presented in the book. In the Orthodox camp, there is the view of Isaac Halevy Herzog, the first Ashkenazi chief rabbi of the state. He was basically opposed to furnishing a theological justification for anything but a state that recognizes the Torah to be its constitution. Thus, in order to counter the use of Nissim Gerondi's notion of the king's law partially in place of Torah law, Herzog even questions whether Gerondi (a major Jewish legal authority) is the true author of the statements ascribed to him. And even if Gerondi is the author, Herzog boldly states, "I see grave difficulties in [doing so] . . . it is inconceivable that the laws of the Torah should allow for two parallel authorities." From this conservative standpoint, Herzog proposes what has become the modus vivendi of the Orthodox community in Israel: the control by the religious of the "religious" aspects of national life—synagogues and religious schools, as well as matters of family status like marriage and divorce—in return for their support of the secular state in all matters of military, diplomatic, civil, and criminal domain.

Unlike Gerondi's justification of a regime not totally governed by Torah law, Herzog proposes only a marriage of necessary convenience. What this type of pragmatic thinking has done is to transform Orthodoxy into one special-interest group among many, instead of providing a unified political vision for all of Israeli society.

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In place of the exalted vision of a Jewishly Jewish state for all the Jews, which could only be rooted in the Jewish religious tradition, we are left with a protected corner of Israeli society for those who have no religious commitment to the very legitimacy of its state. Indeed, we have just witnessed a governmental crisis in Israel in which the largest religious party in Israel resigned from the coalition government not because of philosophical differences about war and peace, but because of its outrageous demands for more government money for its corruption-ridden educational and social institutions. The righteous of Shas may long for a more theocratic dispensation, but it is only in a democratic parliamentary system that they could ever exert such power.

As Herzog was making his position known, the secularist leadership of the state of Israel, under the strong hand of David Ben-Gurion, was making room for Jewish religion in its own way. As it turned out, most Orthodox Jews accepted the concessions that Ben-Gurion was willing to make to them, concessions undoubtedly made because he, too, needed the religious parties in his coalition government. In return for these concessions, Ben-Gurion seemed to want what is in effect the religious blessing or endorsement in principle of the secular Jewish state. The interesting question is whether religious Jews can give such a blessing in good faith, and not just for reasons of self-interest.

The Orthodox maverick Yeshayahu Leibowitz abhorred the prospect of such a religious ratification of the state. Reporting on a lengthy conversation with Ben-Gurion, he noted that the prime minister asserted that he was willing to make concessions to Jewish religious practice because "I want the state to hold religion under its control." With his typical iconoclastic bitterness, Leibovitz compared the "representatives of Jewish religion" willing to accept such an agreement to a "kept woman." (From Ben-Gurion's own statement in the book, it is clear that he was opposed to the opposite situation, namely, "the transformation of religion into a political tool and the attempt to impose religious practice by state power.") Leibowitz's solution to the problem of religion and state in Israel was a maximal separation of religion from any control by the state and, therefore, from any control of the state, and perhaps even any influence on the state. Any attempt to work out an interrelation between religion and the state cannot help but lead to the humanization of religion and the deification of the state. All that religion can ask from the state is to leave it alone as much as possible. No Protestant could have stated the case any better.

The debate over the relation of Judaism and democracy in Israel has not moved very far from the debate between Ben-Gurion and Leibowitz. *The Jewish Political Tradition* does not resolve the question. It does introduce English readers, both Jews and non-Jews, into the discussion, and it places this central question in the context of the entirety of the Jewish political tradition. One may disagree with parts of this book, one may even disagree with most of this book, and yet come away from it with one's thinking on politics and religion permanently transformed.

The book also exposes its readers, especially its Jewish readers, to a very real danger. What if Judaism does not have the resources for the development of a workable political philosophy in an increasingly democratic world? The political universe in Israel seems to be riven between a xenophobic nationalism and a culturally neutral democracy. It is becoming quite clear that more and more Orthodox Jews adhere to a chauvinism that is unwilling to engage seriously the issue of Israel among the nations and not just the issue of Israel apart from the nations. And it is becoming equally clear that most non-Orthodox Jews, be they confirmed secularists or adherents of the American style non-Orthodox denominations, champion the type of democracy that regards cultural and religious differences as something to be overcome rather than something to be built upon.

One can regard the whole project of *The Jewish Political Tradition*, of which this book is the first volume, as being an attempt to find a safe passage for Jewish political thinking between an inflamed nationalism and a "naked public square." Like all such ventures, this project is premised on a faith of its own: just as a natural scientist must believe that there is natural order before trying to show what it is, so must the contributors to this volume believe that there is a Jewish political philosophy before they can actually demonstrate its existence, let alone its effectiveness. Even those who do not share their faith can surely admire the courage of their attempt to make all their traditions of justice cohere. ■

Death-Art

By Ruth Franklin

The Book of Franza and Requiem for Fanny Goldmann by Ingeborg Bachmann translated by Peter Filkins

(Northwestern University Press, 256 pp., $26.95)

"About that which one cannot speak, one must remain silent": this apparent tautology, the famous last line of Wittgenstein's *Tractatus Logico-Philosophicus*, has often been read as a statement of the predicament of German literature after World War II. The Austrian writer Ingeborg Bachmann came to regard Wittgenstein's formulation as her personal challenge. In an essay on the philosopher, she wondered: "Or could it mean that we've squandered our language because it contains no word that can touch upon what cannot be spoken?" Reclaiming the German language from that squandering would become Bachmann's life project.

From her first book of poetry, *Mortgaged Time*, published in 1953, to the short story collection *Three Paths to the Lake*, which appeared in 1973 and was the last of her works published during her lifetime, Bachmann wrestled with the problem of how to make sense of the crimes that Nazi Germany committed during the Holocaust—crimes so new and so shocking that they seemed to poison the German language itself, the essence of the German nation. Eventually Bachmann would come to see the legacy of the Holocaust as a brand of fascism that survived in the private sphere, in the relationships between men and women. At the same time, she would dream of a utopian language that could fill in the gaps, a language that could express the things about which one cannot speak and thus redeem the nearly universal silence of Germans in the

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face of, and even after, the Holocaust.

Bachmann's major enterprise, which she called *Todesarten*, or "ways of dying," was to be a prose cycle combining these themes. She died unexpectedly in 1973, having published only parts of it: *Malina*, a novel, and *Three Paths to the Lake*. In the tens of thousands of manuscript pages that she left behind were drafts for several other novels and short stories in various stages of completion, including *The Book of Franza* and "Requiem for Fanny Goldmann." Versions of both these texts were put together for the authoritative edition of Bachmann's collected works, published more than twenty years ago; and neither of them has been available in English until now.

BACHMANN WAS BORN in 1926 in the southeastern Austrian city of Klagenfurt, near the border with Italy and what was then Yugoslavia. (Klagenfurt is the capital of the province of Carinthia, where, more recently, Jörg Haider began his rise to power.) In an interview conducted more than thirty years after the *Anschluss*, she would refer to the march of Hitler's troops into Klagenfurt as the event that "destroyed" her childhood. "My memories begin with that day," she said. "The terrible brutality that was perceivable, the shouting, singing, and marching—that was the first time I feared for my life." Despite this violent beginning, the war years were comparatively uneventful for Bachmann. Her family remained in Klagenfurt, where she attended high school. After the war, she studied law and philosophy at the University of Vienna, and wrote her dissertation on the critical reception of Heidegger's existential philosophy.

In 1953, soon after the publication of her first book of poetry, Bachmann left Austria for good, moving first to Italy, then to Switzerland, and finally back to Italy, with sojourns along the way in various other countries, including Germany, France, and the United States. She was an active member of Group 47, the organization of German-language writers founded by Günter Grass, and was a close associate of a number of writers, including Paul Celan. She never married, though she lived for a number of years with the composer Hans Werner Henze and later with Max Frisch, with whom she had an affair of legendary tempestuousness, reportedly driving him so mad that when she was away from him he slept with his face in his own vomit on occasion. She died in 1973 from burns caused by a fire in her apartment, the cause of which was never determined.

In his study of nationalism, *Imagined Communities*, Benedict Anderson argues that language played a greater role in defining German nationhood than it did in perhaps any other country. By the end of the 1940s, certainly, the devastation Allied bombs had wreaked on Germany's landscape seemed to pervade even the German language. The writing taking shape in its wake, in the bombed-out cities of Berlin and Dresden, came to be called *Trummerliteratur*, literature of the ruins, and it was marked by its fragmented, stuttering nature. The title of Günter Eich's "Inventory" tells it all: his poem is little more than a list of items ("This is my cap/ this is my coat . . .").

This shocked austerity of style could not sustain itself for long, and by the end of the decade two schools of poetry were taking shape. One, led by Gottfried Benn, was concerned primarily with aesthetics. Benn preached that the lyric, absolved of any political responsibility, should be devoted purely to beauty. "Works of art are phenomenal, historically ineffectual, without consequence in reality," he said. "Therein lies their greatness." It is easy to understand the appeal of this summons to "art for art's sake," arising as it did in a recoil from both the *Trummerliteratur* and the nationalist propaganda that some poets had felt compelled to write under Nazism. (Benn initially sympathized with National Socialism, but he never joined the party, and he did not publish during the war years.)

Yet the de-politicization of literature in the aftermath of political catastrophe was not acceptable to all, and another school of poetry emerged in opposition. In response to Theodor Adorno's famous pronouncement that "to write a poem after Auschwitz is barbaric," some poets argued that if post-Holocaust poetry was to be anything but barbaric, it had to be more than just aesthetic: it had to examine, seriously and unflinchingly, the consequences of Nazism. This became the project of the so-called hermetic poets, foremost among them Paul Celan, Nelly Sachs, and Ingeborg Bachmann. As Bachmann put it, the task of the contemporary poet was not to provide his or her readers with cheerful entertainment, but to jolt them out of their postwar stupor. While the best work of these poets was unquestionably (and almost ironically) as beautiful as any German lyric, it was also unafraid to face the most important issue at stake for German writers in the decades after World War II: the aftermath of the Holocaust.

BACHMANN STARTED HER career as that nowadays unheard-of phenomenon: the celebrity-poet. Blonde, photogenic, and prize-winning, she became the darling of the German-language media with the publication of *Mortgaged Time* and, close on its heels, *Invocation of the Great Bear* (1956). She was profiled in *Der Spiegel*. Critics ranked her with Eliot and Rilke. She was invited to give a series of lectures at the University of Frankfurt. And then, abruptly, Bachmann stopped writing poetry altogether. She turned instead to radio plays, and eventually to fiction. *Invocation* would be her last collection of verse, although she would publish a handful of later poems during the mid-'60s that included some of her best work.

Bachmann's poetry is abstract, metaphysical, mysterious, and symbol-laden, yet at the same time it is stunningly concrete, filled with images of the natural world. Though some of the early poetry gestures ahead to her later preoccupation with gender and power, from the first line of the first poem in *Mortgaged Time*—"Smoke rises off the land"—she is riveted by the scorched earth of the postwar European landscape. This poem, "Leaving Port," can be read as a depiction of the metaphorical purgative journey that Germans must undergo before their redemption. "[H]ow much longer/will that twisted wood hold out against the storms?" the speaker asks. "There is nothing left of the land." Though the "monsters of the sea" lie in wait, the poem ends with a paean to hard work, the work of knotting ropes and bailing water, of rebuilding and maintaining the ship, and what it stands for:

> The best thing is, in the morning,
> to rise with the first light,
> standing against an immovable sky,
> paying no heed to impassable waters,
> raising your ship over the waves
> toward the sun shore,
> the sun shore that always returns.

But other poems, in this collection and afterward, are more direct in their castigation of Germany, and less sanguine about the possibility of resurrecting the German language. "Harder days are coming," warns the collection's title poem in an ominous refrain. "Early Noon" transforms the brightness-bringing sun of "Leaving Port" into a symbol of reckoning.

> Where Germany's earth blackens the sky
> a cloud looks for words and fills the crater
> with silence,
> before summer hears its call through the
> thin rain.

> The unspeakable, softly spoken, steals
> over the land:
> already it is noon.

Why did Bachmann abandon poetry? The answer is generally thought to be

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found in the poem believed to be her last, "No Delicacies. "Nothing pleases me anymore," the speaker laments:

> Should I
> dress a metaphor
> with an almond blossom?
> crucify syntax
> on a trick of light?
> Who will beat his brains
> over such superfluities—

The crucial question at stake in this poem is, again, the role of the poet, and it is usually read as Bachmann's epitaph to her own poetic career—particularly the last line, which is often translated as something like "My part, it should be dispersed." Most critics have interpreted this line as a negation of the poet's capacity to better the blasted world in which he or she lives; but this reading overlooks a more subtle layer of meaning. In addition to signifying "should," the German verb Bachmann uses here, *soll*, is also a form of the subjunctive with no direct counterpart in English, used to refer to a claim that is not necessarily true. (Newspapers, for example, will use this construction when describing alleged crimes.) Thus, rather than reading the line *Mein Teil, es soll verloren gehen* as Bachmann's own pronouncement of a death sentence on her poetry, we can also see it as an ironic yet resigned criticism of those who would scorn her for not abiding by the traditional poet's role: "My part, they would have it lost."

This lament does not represent Bachmann's resignation of the struggle toward a new poetry. It is, rather, a reproach directed at those who advise her to "dress up a metaphor / with an almond blossom." And, instead of disappearing into the limits of language—Wittgenstein's escapism, in her view—Bachmann would give up only poetry, which she had come to see as an overly aesthetic art, a hermetic practice that was inappropriate for addressing a large audience. Growing ever more preoccupied with the human condition and the suffering of her fellow men and women, she turned to fiction and radio plays as a way to achieve greater social and political influence.

"Fascism is the first element in the relationship between a man and a woman," Bachmann declared repeatedly in interviews. It is a startling pronouncement, and an obviously exaggerated one; Bachmann occasionally tended toward hyperbole, particularly when talking to journalists unsympathetic to her ideas. But despite the exaggeration, something very close to the idea in this pronouncement must be recognized as the founding principle behind all her later work. What tempers its extremism somewhat is that while Bachmann certainly placed the blame for women's predicament primarily on men, she saw women not as victimized innocents but as complicit in their own oppression.

The germ of this idea may be located in her poetry, but it is easily missed amid the questions to which the verse returns again and again: the notion of exile, the exploration of the limits of language, the confrontation with the past. Two stories in *The Thirtieth Year*, Bachmann's first short story collection, which appeared in 1961, hint at it. In "A Step Towards Gomorrah," Charlotte, unfulfilled by her relationship with her husband, is tempted to have a lesbian affair; and the narrator of "Undine Goes," a monologue spoken by a water nymph who has been abandoned by her human lover, rails, "You monsters with your wives!" But the other stories in the book are narrated by men, and, like Bachmann's other early work, they deal primarily with the aftermath of the war.

COURTESY R. PIPER VERLAG

Ingeborg Bachmann and Paul Celan in Mainz, 1953

But as Peter Filkins notes in the introduction to his translation of *The Book of Franza*, Bachmann had begun work on her *Todesarten* project as early as the 1950s, and some critics place the beginning drafts even earlier. Although she reconceived much of it after returning from a trip to Africa in 1964, it is nonetheless significant that these novels and stories were not the product of a mid-life epiphany, but serve as a backdrop to Bachmann's entire career. She managed to create lengthy drafts of *Franza* and "Fanny Goldmann" during the mid-'60s, but she put them aside to work on *Malina*, which she intended to be the "overture" to the *Todesarten* cycle. Death prevented her from finishing the project; drafts of other novels intended to be included under its rubric exist, but they are so fragmentary as to be incomprehensible.

Reading *Malina*, it is hard to imagine that Bachmann was deemed frivolous for turning away from poetry, or that the German popular press judged her women-oriented fiction to be "unintellectual." In the depth of its allusions to other texts (literary and musical) and the virtuosity of Bachmann's writing, which skips lightly from monologue to dialogue to fairy tale and even, to amusing effect, advertising copy and musical notation, *Malina* can be compared, at least in terms of its complexity, to the most inscrutable works of Joyce or Woolf. Indeed, it is a testament to the novel's difficulty that few critics have been able to agree on the most basic details of its plot, if it can even be said to have one.

Put simply, if that is possible, *Malina* tells the story of a woman who lives in Vienna and is a writer. This woman, who is never named, is involved in a love affair with a man named Ivan. She lives, platonically, with another man, the writer Malina. Over the course of the novel, the woman gradually disintegrates at the hands of both of these men. At the end, she disappears into a crack in the wall. The book ends with the declaration, "It was murder."

Simple on the surface, this statement is deliberately open-ended. Who was murdered? By whom? Like the other works in the *Todesarten* cycle, the novel is primarily meant to depict some of the ways in which women are brutalized in their relationships with men. But Bachmann also considered *Malina* to be in some sense a whodunit. In copy that she wrote for the book's front cover, she asked the reader: "Murder or suicide?" Christa Wolf has famously argued for suicide; but what is interesting about the question, and about the book's ending, is Bachmann's own reluctance to assign blame. Were her position on the brutality of male-female relations as unambiguous as some of her statements suggest, such a question would not be possible.

Most critics see the character of Malina as the narrator's *Doppelgänger*, as Bachmann herself called him, an interpreta-

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tion that only increases the degree to which the woman is responsible for her own fate. Others see him as the true narrator of the *Todesarten* cycle. (One of the previously untranslated drafts that Filkins includes as part of his version of "Requiem for Fanny Goldmann" supports this hypothesis.) But the final effect of *Malina* is frustration. It resists all attempts at neat interpretation; and it is probably best understood as a portrait of a woman's mind in turmoil, with the ending accepted as tantalizingly ambiguous.

FROM ITS FIRST lines, one might think that *The Book of Franza* were also some sort of murder mystery: "The Professor ... had dug his sister's grave. He had already arrived at this hypothesis before he had the least proof in hand." "He" is Martin Ranner, Franza's brother and the narrator of much of the book. (The ambiguity caused by "his" in the first sentence is a product of the translation. It would be clearer, though more awkward, to say, "The Professor ... had dug Martin's sister's grave," or, sticking more closely to the text, "The Professor ... had been the ruin of Martin's sister.") As in *Malina*, the elements of the traditional detective story—murder, hypothesis, proof—are all present; but readers familiar with Bachmann will rightly expect a very untraditional murder mystery. And since the book, like much of Bachmann's prose, switches points of view frequently and is largely based in thought rather than action, it is fully as mysterious as *Malina*.

The book's fragmentary nature makes it all the more difficult to grasp. *Franza* was first published in German as part of the definitive collection of Bachmann's collected works, edited by Christine Koschel and Inge von Weidenbaum. That version of Bachmann's draft of the novel, titled *Der Fall Franza*, or *The Franza Case*, has been used by scholars and students for more than twenty years. In 1995, however, Monika Albrecht and Dirk Göttsche published the drafts of *Franza* in their entirety as part of their *"Todesarten"-Projekt*, a five-volume edition that brings together all of Bachmann's papers related to the *Todesarten* works: *Malina*, *Franza*, "Requiem for Fanny Goldmann," and *Three Paths to the Lake*, as well as drafts for several other novels and stories. Albrecht and Göttsche's volumes, which the two compiled from Bachmann's 10,000-plus-page archives in Austria and Germany, made available drafts and texts that were previously inaccessible to anyone who was unable to journey to the archives.

Filkins has chosen to include a fair amount of material from these drafts, and he has also reordered quite a bit of the previously published material. Thus his translation of *Franza* is a very different book from what has been known as *The Franza Case*, even down to the title. (His choice of title, he explains in the introduction, is based on Albrecht and Göttsche's research, which revealed that *Das Buch Franza*, literally *The Franza Book*, was the last title that Bachmann herself used for the novel.) By analogy, imagine that all of Ralph Ellison's drafts for *Juneteenth* were published in a huge edition for scholars. Then imagine that a German scholar translated the novel; but instead of working from the version published by John Callahan, he decided to interpolate various extracts from the drafts. German readers of *Juneteenth* would have quite a different experience of the novel than American readers.

BUT FILKINS HAS tampered very little with *Franza*'s fundamentals. At the beginning of the first of *Franza*'s three sections, Martin has just received a telegram from his sister, Franza, who has run away from the sanatorium to which her husband, the eminent Viennese psychologist Leo Jordan, has sent her for some rest. Though it has been several years since he has heard from his sister, Martin—a geologist about to embark on a research trip to Egypt—sets out to search for her, and discovers her in their childhood home, with her head in the oven. As he calms and cajoles her, Martin and Franza revisit their recollections of World War II, and Franza remembers a fleeting teenage affair with the British captain of the Allied troops who liberated their southern Austrian town. On the last night before Martin is to leave for Egypt, Franza tries to drown herself in a nearby river, and he decides to take her along on his trip.

The book's second section, which takes place during the boat journey to Egypt, is built almost entirely of fragmentary monologues spoken by Franza as she recounts to Martin the terror of her marriage to Jordan, who has traumatized her so greatly that at first she is unable to speak about it "without screaming or beginning to tremble." At this point Bachmann begins to hint at what the third section will make explicit: that Franza had assisted Jordan with a study he was preparing of the horrific experiments Nazi doctors performed on concentration-camp inmates, and that at some point research and reality became confused, and Jordan began to experiment on Franza. (Hence *The Franza Case*.)

Once the siblings reach Egypt, where the third section of the novel takes place, Franza finds some solace in the desert, and realizes that "she no longer had to hold still for any experiment. Another experiment was beginning, and that she would perform on herself." At first it seems as if she will be able to work through the horrible after-effects of her marriage. Yet she begins to suffer dizzy spells, and another woman tells her of a German doctor who is able to "work miracles." When she meets him, she recognizes him from her work on Jordan's book: he was a doctor in the concentration camps. She pleads with him to euthanize her, but he angrily refuses, which puzzles and somewhat amuses her. "I'm only asking for something that he used to do willingly and without being asked to do it, and yet now someone comes along and is not allowed to beg for it and pay for it," she marvels. "What kind of world is this?" But Franza's distress does not last long. Soon after her encounter with the doctor, she and Martin travel to the pyramids, where she is raped by a stranger. Falling unconscious, she hits her head on the rock, and dies of complications from the injury.

BACHMANN INTENDED *The Franza Book*, like the other works in the *Todesarten* project, as a sort of case study of the fascism in human relationships. In fact, no other of her novels addresses the issue as directly as this one. Yet it is Martin, not Franza, who gives the problem its name, and Franza herself is somewhat skeptical of it. "You say fascism," she remarks to her brother, "but that sounds strange, for I've never heard that word used to describe a personal relationship.... But that's an interesting idea, for it had to begin somewhere. Why does one only refer to fascism when it has to do with opinions of blatant acts?"

In making this admission that the idea of fascism in a marriage at the very least "sounds strange," Bachmann nodded to her many contemporaries who expressed doubt or even hostility about her projection of fascism into the sphere of personal life. Those doubts were not willful, of course. To compare the Nazis' oppression of Jews to a domineering husband can be seen as trivializing the most terrible event of modern history. And yet it is clear that this was by no means Bachmann's intention. She was hardly insensitive to the enormity of the Holocaust.

Of all Bachmann's work, indeed, *Franza* is the text most directly concerned with the Holocaust itself. In addition to exploring the connection between the tyranny of men and the tyranny of the Nazis, Bachmann examines the very tangible, physical impact of the Holocaust on Franza's life. Not content to have Franza emotionally tortured by her husband, like most of her other heroines, Bachmann has taken matters a step further: Franza must literally reenact the suffering of Holocaust victims

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with her own body. So what might this mean?

It seems unnecessary to have to point out that Germans (and Austrians) did not suffer during World War II the way Jews, Gypsies, Slavs, and so many others suffered; and yet they experienced the suffering of any people whose country is at war and is then defeated. A passage in *Franza* vividly illuminates the terror of this time, especially for a child:

> Now and then planes still flew low in dense formations over the houses, and since they took precise aim on anything that moved, she once had to throw Martin to the ground and cover him.... And then one time a bomber patrol returning south from Vienna released a couple of leftover bombs, collapsing the little train station as a waiting train full of people from town was thrown from the rails, tearing the people within to shreds. Then it was quiet again. During that spring death was a given.

Again, nobody would argue seriously that such horror can be equated with the torture experienced by those who were imprisoned in the concentration camps. Bachmann certainly did not make such a coarse identification. In fact, she made no single identification at all. She found herself, instead, in a morally and imaginatively complicated place. She was a victim of fascism, but she did not suffer the worst of it. Politically and intellectually, there is no doubt that she identified with the survivors far more than with the perpetrators. (In a notorious incident, Bachmann and Celan publicly declined Heidegger's request that they contribute poems to his seventieth-birthday *Festschrift*.) Yet Bachmann never tried to erase the fact that she was Austrian. Far from it: she was proud to be an Austrian writer, invoking Kafka and Musil as her forebears, and her writing is almost exclusively concerned with Austrians. This intellectual and ideological conflict—the problem of identifying both with the victim of a crime and with the perpetrator—can perhaps be seen as giving rise to the central irony of Bachmann's fiction: that her female protagonists are not only the victims of oppression, they are also as responsible for their silencing as the men who seek to oppress them.

In his introduction, Filkins states that his primary goal was to create a readable translation that would bring Bachmann's work to a wider audience. In the service of readability, as he freely acknowledges, he has deviated in a number of ways from the standard German text, the Koschel-von Weidenbaum edition. To begin with, he has broken up a number of Bachmann's notoriously lengthy paragraphs and sentences in order to make them more accessible. Shortening German sentences in their translation into English is quite usual, but I wish Filkins had preserved more of Bachmann's paragraphing. It is difficult to understand why he chose to insert breaks in certain places, especially in the second section, where the paragraph breaks occasionally detract from the dreamlike quality of Franza's musings. There are also some minor errors in Filkins's translation.

More troublesome, I think, is his drastic departure from the Koschel-von Weidenbaum version. While Albrecht and Göttsche's work was not available when that edition was published, the bewildering collection of *Todesarten* fragments—some of which are internally contradictory and contain writing that Bachmann would almost certainly have discarded—is useful only to the most serious scholars, who would surely be able to read them in the original. For this reason, little is gained from Filkins's additions or, most importantly, from the re-ordering of Part II, which, to this reader at least, makes far more sense in the original version than it does in Filkins's. Moreover, while Koschel and von Weidenbaum used brackets and ellipses in their edition to denote fragmentary text, Filkins presents his as a unified whole, which does a disservice to the general reader, who might skip the explanatory "Translator's Note" and thus be unaware of how many different drafts exist. And a better way to improve *Franza*'s readability would have been to include the short story "The Barking," from *Three Paths to the Lake*, which functions as a sort of prequel to *The Book of Franza*.

But I do not mean to quibble too much. Filkins's translation is certainly not bad. It is lucid, and for the most part it is faithful, in letter if not in structure, to the original. The important thing is that Filkins has made this strong and significant book, which in many ways is more accessible to ordinary readers than *Malina*, available in English for the first time. *The Book of Franza* has been unknown here for too long. Now, at last, its pains and its perplexities may be read and pondered. ■

CORRESPONDENCE

continued from page 5

a "diploma mill" ("Need Blind," June 19).

The CSU student/faculty ratio is 18:1, comparable to the national average for comprehensive master's universities. More importantly, our classes are taught by outstanding faculty, not by graduate students. At the CSU the focus is on teaching students.

Maybe Gottlieb should talk to our students. Here's what they say: More than two-thirds are pleased with their overall college experience and would recommend their campuses to others; nearly 80 percent rate the quality of their instruction as excellent or good, and three-fourths report the same about the CSU faculty's teaching skills and enthusiasm; and 80 percent of CSU students are attending their first-choice campus.

It's true that many students come to the CSU economically disadvantaged, but they leave the CSU as vital contributors to the quality of life in California.

CHARLES B. REED
Chancellor
California State University
Long Beach, California

Glasses half empty

TO THE EDITORS:

Gregg Easterbrook has donned his rose-colored glasses to argue once more that conventional wisdom is wrong and that everything is fine. In his recent article "Sunny Side Up" (June 19), he criticizes environmentalists for being in a tizzy about lax enforcement of environmental laws, pointing out that pollution is, after all, down. But pollution being down is not the same thing as environmental crime being down.

Let's take a look at possible reasons why pollution is currently decreasing. Is it because polluting industries woke up to the threat of environmental damage? Or because they responded to the gentle advice of state agencies? No, it is solely a result of the fact that polluting is against the law, and polluters figured that action would be taken against them if they broke the law.

At any rate, now is not the time to pat ourselves on the back and claim victory. Even with pollution down, we aren't where we need to be. Nearly 100 million Americans live in cities that don't meet federal air-quality standards for smog; 40 percent of our streams aren't fishable or swimmable. The only way to achieve the goals of clean air and clean water is to fairly enforce environmental laws. Cooperative efforts to go "beyond compliance" should be applauded, but the states will never be able to coax polluters into meeting their permit requirements without a serious threat of punishment.

JOHN COEQUYT
Environmental Working Group
Washington, D.C.

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MONGOLIA DIARIST

Red Dawn

DURING HER SEPTEMBER 1995 trip to Mongolia, Hillary Clinton held up her hosts' rejection of communism in the early '90s as evidence that all people desire liberty. "There are some who claim that freedom and democracy are Western concepts and that Asians prefer authoritarian rule," the first lady declared. "I say: Let them come to Mongolia." In truth, not many people do come to Mongolia, and those who do aren't generally motivated by a desire to discredit Lee Kuan Yew. But last month I visited for political reasons—as an international election observer. And I arrived just in time to watch voters give the Mongolian People's Revolutionary Party 72 of the 76 seats in parliament, overwhelmingly returning the former Communists to power.

MONGOLIA RID ITSELF OF COMMUnist dictatorship in 1990, when, in sharp contrast to China's brutal repression of student demonstrations in Tiananmen Square only months before, protests in Ulan Bator's Sukhbator Square forced the first free elections in 70 years. (Mongolians take great pride in showing up the Chinese. For example, in response to the Chinese boast that "it takes a great country to build such a great wall," Mongolians inevitably counter, "But it takes an even greater nation to force the building of such a wall.") Following the demonstrations, Mongolians cautiously elected a government dominated by former Communists. In 1996, sensing that their countrymen might be ready for greater change, the democratic opposition parties formed a coalition and, bringing a little of the Gingrich/Armey magic to the steppe, offered a "Contract with Mongolia": private property, market reform, accountable government. Three hundred fifty thousand copies of the contract were distributed—I even saw some, four years later, in the tents of nomadic herders, hundreds of kilometers from the nearest town. On the strength of this clever political move, as well as a lot of Western-style retail campaigning, the coalition won 50 seats in parliament, and Mongolia became the latest example of democratic capitalism's global ascendance.

FOUR YEARS LATER, MONGOLIA'S democratic spirit, if not its democratic parties, is alive and well. In this month's election, close to 75 percent of eligible voters showed up at the polls. I met two women who walked three hours to cast their ballots (albeit for the Communists) before turning around to walk back, and a man who rode his horse for 14 hours to do the same (he did not disclose his preference, but that's a long way to travel to endorse the status quo). Amazingly, in some rural districts turnout reportedly exceeded 90 percent. More often than not, citizens came to the polls dressed in their finest clothes.

THE ELECTION'S ADMINISTRATION was equally inspiring. Having recently endured the embarrassment of New York's restrictive ballot-access laws and South Carolina's prejudicial poll-closings, I was heartened to see how seriously Mongolian election officials took their responsibilities. At many polling sites, election-committee members slept with the ballots to guarantee their security. Laws banning the sale of alcohol the day before and the day of the election were enforced—much to the chagrin of many of the observers, not to mention some of the democratic pols once the results started coming in. And, most charmingly, before the first vote was cast, election officials often gave the oldest and youngest voters in their district the chance to offer a few words to the assembled crowd about the importance of voting.

THE PROCESS WAS NOT WITHOUT flaws, but Mongolians basically have the fair-election thing down cold. What Hillary Clinton (and, to be fair, most other Americans) never imagined is that Mongolians (not to mention Algerians, Russians, Lithuanians, and the citizens of several other formerly Communist countries) would see no contradiction in using democratic means to support nondemocratic candidates. After all, Mongolian communism wasn't very pleasant—the dictatorship's social controls clashed with Mongolians' traditional independence, and their self-sufficiency was ill-suited to a centrally planned economy. The country's once-vibrant Buddhist culture was devastated by bloody purges, while Mongolia's socioeconomic patterns were severely upset by restrictions on herding and the transfer of many nomads to factory floors. The democratic coalition elected in 1996 sought comprehensive change: universal suffrage and free elections were instituted, while the pastoral economy was privatized, market incentives replaced state procurement, and government spending was sharply curtailed. Initially, many Mongolians embraced this new era. Herders exercised their bargaining power and made considerable amounts of money, private enterprises appeared across the country and rewarded entrepreneurial spirit, and a multitude of media outlets sprang up to tell the story.

BUT THE MAGIC OF THE MARKET AND the Hegelian march of history were overwhelmed by an even more powerful force: Mongolian weather. Last year, an especially brutal winter killed off millions of livestock and made a good portion of the remainder worthless, causing tremendous social and economic dislocation in a country that is still predominantly agrarian. All of a sudden, the old Soviet subsidies, which had equaled almost one-third of Mongolia's total gross domestic product, began to look pretty good. Mongolians remembered that, oppression aside, the Communists had guaranteed all citizens a subsistence-level wage, health care, a pension, and schooling for their children. Neoliberal economics turned out to be a lot less attractive to Mongolians when it was their yaks being gored.

WHAT'S MORE, THE FORMER COMMUnists learned a lot from their time in opposition. This year, they proposed a moderate platform tailored to popular concerns (summarized by the hardly chantable slogan "Let's extricate the government from crisis, let's rescue people from poverty"). Like Mongolia's democrats in 1996, the ex-Communists this year ran an aggressive American-style race. By contrast, the democratic parties abandoned their coalition, campaigned with little verve, and failed to explain to voters the long-term benefits of their vision.

SO, AFTER TRAVELING HALFWAY around the world to observe this month's elections, I would amend Hillary Clinton's observation somewhat. Dictatorship is probably dead in Mongolia—though, given the Communists' underdeveloped appreciation for civil liberties, ensuring that it stays dead will require Western vigilance. But dictatorship has given way to something more muddled and localized than the universal triumph of liberal democracy. Prosaic concerns often trump ideological commitments. As in the West, bad guys running good campaigns beat good guys running bad campaigns; going negative works; and—perhaps most importantly—it's the economy, Genghis.

CRAIG TURK

CRAIG TURK observed the Mongolian election as part of a delegation from the International Republican Institute.

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